



FEDERAL BUREAU OF INVESTIGATION

**HOWARD ROBARD  
HUGHES**

**PART 4 OF 12**

**FILE NUMBER : 95-211845**

# In the Eighth Judicial District Court

OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK

In the Matter of the Estate of  
HOWARD ROBARD HUGHES, JR., Deceased.

ANNETTE GANO LUMMIS; BARBARA  
CAMERON, et al.,

Plaintiffs-  
Contestants,

vs.

HAROLD RHODEN, SUBSTITUTE FOR  
NAMED EXECUTOR, NOAH DIETRICH,

Defendant-  
Proponent.

## Subpoena

The State of Nevada Sends Greetings to

Special Agent James E. Lile  
Federal Bureau of Investigation  
Assistant Director of Identification Laboratories  
J. Edgar Hoover Building  
Washington, D.C. 20535

We Command You, That all and singular, business and excuses being set aside, you appear and attend before  
Department No. IX of the Eighth Judicial District Court of the State of Nevada, in and for County of  
Clark, at the Court Room of said Court at Las Vegas, in said County and State, on the 7th day of  
December, A.D. 1977, at 9:00 o'clock A.M. and continuing thereafter  
the part of Harold Rhoden, Substitute for Named Executor, Noah Dietrich,  
Defendant-Proponent.  
And for a failure to attend you will be deemed guilty of contempt of Court, and liable to pay all losses and  
damages sustained thereby to the parties aggrieved and forfeit One Hundred Dollars in addition thereto.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court  
this 29th day of September, A.D. 1977

By Paula W. Wood Clerk  
Deputy

STATE OF NEVADA, } ss.  
COUNTY OF CLARK }

I hereby certify and return that I received the within Subpoena on the \_\_\_\_\_ day of  
\_\_\_\_\_, A. D. 19\_\_\_\_, and that I personally served the same upon  
\_\_\_\_\_  
\_\_\_\_\_  
by showing the within to \_\_\_\_\_, and delivering to \_\_\_\_\_ a copy of the same in Clark  
County, State of Nevada, on this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_

ELI BLUMENFELD LAW CORPORATION  
1800 AVENUE OF THE STARS, SUITE 2440  
CENTURY CITY  
LOS ANGELES, CALIFORNIA 90067  
TELEPHONE 353-6666

*with yellow*

October 10, 1977

*[Handwritten signature]*  
The Director  
Federal Bureau of Investigation  
Washington, D. C. 20537

OUTSIDE SOURCE

Attention: Mr. Quintus Ferguson  
Latent Fingerprint Section

Re: Estate of Howard Robard  
Hughes, Jr.

Dear Mr. Ferguson:

As you are aware, the trial of the above case has been continued to November 7, 1977. Consequently, the date of your appearance as a witness has been changed to the period commencing December 7, 1977 through December 31, 1977. Of course, we will give you as much advance notice of the actual date for your appearance as possible.

This confirms my telephonic agreement with Mr. Chris Mazella, Esq., of the Department of Justice that you will appear as a witness in the above-entitled case upon call by me all as detailed in my September 9, 1977 letter to you, a copy of which is attached and which is incorporated herein as though fully set forth.

Enclosed is a subpoena with respect to your appearance as a witness which Mr. Mazella has agreed can be mailed to you and further that you will comply therewith as if it was served upon you in the state of Nevada.

Additionally, it was agreed that in lieu of a required affidavit by the undersigned setting forth the summary of your requested testimony, it will be deemed compliance with such requirement to inform you that the questions which will be posed to you at the trial *EX-136* be consistent with those at your deposition in the above matter on June 20, 1977.

*T*

*T*  
1-ENCLOSURE  
"ENCLOSURE REMOVED"  
359

REC-33 95-211845-70

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*[Handwritten signature]*  
*[Handwritten initials]*

The Director  
Federal Bureau of Investigation  
October 10, 1977  
Page Two

Please sign a copy of this letter indicating your receipt of the subpoena and your agreement to appear and bring with you all of the reports and documents as set forth in the attached letter and return such copy in the enclosed self-addressed stamped envelope to the undersigned. As agreed, we will reimburse your office for any and all costs incurred in connection with your appearance in Las Vegas for this trial.

Thank you for your cooperation in this matter and please don't hesitate to call or write to the undersigned if you have any questions with respect thereto.

Sincerely,

  
ELI BLUMENFELD

EB:la  
cc: Harold Rhoden, Esq.

THE UNDERSIGNED agrees to appear to testify at the Clark County Courthouse in Las Vegas, Nevada, in accordance with the provisions set forth above.

DATE: \_\_\_\_\_

\_\_\_\_\_  
QUINTUS FERGUSON

ENCLOSURE 20

95-211845-70

# In the Eighth Judicial District Court

OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK

In the Matter of the Estate of \_\_\_\_\_  
HOWARD ROBARD HUGHES, JR., Deceased.  
ANNETTE GANO LUMMIS; BARBARA  
CAMERON, et al.,

Plaintiff S-  
Contestants,

vs.

HAROLD RHODEN, SUBSTITUTE FOR  
NAMED EXECUTOR, NOAH DIETRICH,

Defendant-  
Proponent.

## Subpoena

The State of Nevada Sends Greetings to

Quintus Ferguson, Latent Fingerprint Section  
Federal Bureau of Investigation  
Washington, D.C. 20537

We Command You, That all and singular, business and excuses being set aside, you appear and attend before  
Department No. IX of the Eighth Judicial District Court of the State of Nevada, in and for County of  
Clark, at the Court Room of said Court at Las Vegas, in said County and State, on the 7th day of  
December, A.D. 1977, at 9:00 o'clock A.M. and continuing thereafter  
the part of Harold Rhoden, Substitute for Named Executor, Noah Dietrich,  
And for a failure to attend you will be deemed guilty of contempt of Court, and liable to pay all losses and  
damages sustained thereby to the parties aggrieved and forfeit One Hundred Dollars in addition thereto.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court  
this 29 day of September, A.D. 1977

LORETTA LOWMAN

Clerk

By \_\_\_\_\_ Deputy

STATE OF NEVADA, } ss.  
COUNTY OF CLARK }

I hereby certify and return that I received the within Subpoena on the \_\_\_\_\_ day of  
\_\_\_\_\_, A. D. 19\_\_\_\_, and that I personally served the same upon  
\_\_\_\_\_  
by showing the within to \_\_\_\_\_, and delivering to \_\_\_\_\_ a copy of the same in Clark  
County, State of Nevada, on this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_

Sheriff of Clark County, State of Nevada

1 - Mr. Ash  
1 - Mr. Kelleher  
1 - Mr. Mintz

The Deputy Attorney General

10/28/77

Director, FBI

~~FEDERAL GOVERNMENT~~

1 - Legal Research Unit  
1 - Mr. Mazzella

IN THE MATTER OF THE ESTATE OF  
HOWARD ROBERT HUGHES, JR.,  
DECEASED; EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
COUNTY OF CLARK,  
LAS VEGAS, NEVADA  
SUBPOENA MATTER

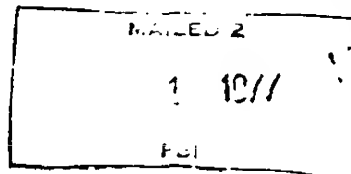
The purpose of this communication is to advise you of the receipt of subpoenas for the testimony of Special Agent (SA) James E. Lile, Document Examiner, Laboratory Division, and Mr. Quintus Ferguson, Fingerprint Specialist, Identification Division. It is my decision to decline to approve the appearance of Mr. Lile and Mr. Ferguson for purposes of testifying in captioned matter. Pursuant to the provisions of Title 28, Code of Federal Regulations (CFR), Section 16.24(b) (1976), as amended by Departmental Order 693-77, effective March 30, 1977, this matter is being referred to you for your review and final decision.

The following factual background is being provided to assist you in understanding the basis of my decision to resist these subpoenas.

At the request of the Attorney General for the State of Nevada, the so-called "Mormon Will" of Howard R. Hughes, Jr., and related materials were examined in the FBI Laboratory and Identification Division, in connection with a state criminal investigation of Melvin Dummar for forgery and perjury. Dummar was named in the will as one of the beneficiaries.

Assoc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_  
Asst. Dir. \_\_\_\_\_  
Adm. Serv. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
Fin. & Pers. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Laboratory \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Plan. & Insp. \_\_\_\_\_  
Rec. Mgnt. \_\_\_\_\_  
Spec. Inv. \_\_\_\_\_  
Tech. Serv. \_\_\_\_\_  
Training \_\_\_\_\_  
Public Affs. Off. \_\_\_\_\_  
Telephone Rm. \_\_\_\_\_  
Director's Sec'y \_\_\_\_\_

CM:kg  
(8)



SEE NOTE PAGE 5

4 NOV 8 1977

MAIL ROOM ☒

TELETYPE UNIT ☐

FBI DOJ

The Deputy Attorney General

Dummar contends that one evening a stranger came into Dummar's gas station. After the stranger left, Dummar found an envelope on a desk located in the service station. The envelope was addressed to Mr. McKay and had written on it instructions that "...this will is delivered after my death to Clark County Court House, Las Vegas, Nevada," signed Howard R. Hughes. McKay was a former elder and head of the Mormon Church. Dummar claims that as a result of his curiosity, he steamed open the letter, examined its contents, and, after noticing it was a will, placed the will back in the envelope and resealed it. Dummar contends that he then placed this envelope and its contents into another envelope which he addressed to "President Spencer W. Kimball, Church of Jesus Christ, Salt Lake City, Utah." Dummar claims that he then proceeded to Salt Lake City where he deposited the outer envelope and its contents on a desk in the Mormon Church.

The examinations of the various documents revealed the following:

1. The Kimball envelope contained a latent fingerprint identifiable with Melvin Dummar.
2. Handwriting examination of the Kimball envelope was inconclusive due to the fact that handwriting was of disguised quality.
3. The handwriting on the McKay envelope and the will was definitely not that of Howard Hughes. However, examination could not conclusively eliminate Dummar or other suspects as the makers due to the fact that the writings were simulations of Hughes' handwriting.



The Deputy Attorney General

4. No identifiable fingerprints were discovered on the McKay envelope or on the will.
5. A latent fingerprint identified as Dummer's was discovered on a book entitled "Hoax" which contained photographs of Hughes' handwriting. The book related the story behind Clifford Irving's duplicities with regard to Hughes' supposed autobiography.

A civil action was subsequently brought seeking to challenge the validity of the will. The defendant-proponent in the action is Harold Rhoden, substitute for the named executor, Noah Dietrich.

In response to telephonic and written requests by Eli Blumenfeld, Esquire, 1900 Avenue of the Stars, Los Angeles, California, attorney for the defendant, SA Lile and Mr. Ferguson personally appeared in Los Angeles and gave lengthy depositions as to their respective findings. Mr. Ferguson and SA Lile were deposed on June 20, 1977, and July 8, 1977, respectively. I am enclosing copies of these depositions for your use. It should be noted that authority for the giving of depositions by SA Lile and Mr. Ferguson was based upon the specific understanding that the depositions would be given in lieu of any subsequent personal appearances by Mr. Ferguson or SA Lile at later proceedings. Despite this fact, Mr. Blumenfeld now sees fit to subpoena Mr. Ferguson and SA Lile in contravention of this agreement.

It should also be noted that Mr. Blumenfeld had the subpoenas mailed to Mr. Ferguson and SA Lile. The cover letters accompanying the subpoenas, copies of which are also being enclosed, make reference to an agreement between Mr. Chris Mazzella of our Legal Counsel

**The Deputy Attorney General**

Division and Mr. Blumenfeld to the effect that SA Lile and Mr. Ferguson would appear as witnesses. In fact, no such agreement was ever entered into. Mr. Mazzella simply informed Mr. Blumenfeld that before any consideration could be given to authorizing Mr. Ferguson and SA Lile's appearance, a subpoena would have to be issued in compliance with CFR. The portion of Mr. Blumenfeld's letter alluding to an agreement regarding the service of process and handling of the affidavit requirement is substantially correct.

I have based my decision to resist this subpoena on the reasons stated below:

1.

[REDACTED]

2.

[REDACTED]

3.

[REDACTED]

4.

[REDACTED]

5.

[REDACTED]

35

The Deputy Attorney General



65

It is for the aforementioned reasons that I hope you concur with my decision not to comply with the subpoenas. It is respectfully requested that if you do decide to resist these subpoenas, you promptly issue appropriate instructions to the Office of the United States Attorney in Las Vegas, Nevada, to move to quash the subpoenas.

If you desire additional information or assistance from the FBI, please contact SA Christopher Mazzella, Legal Counsel Division, telephone No. [REDACTED]

67c

Please note that both subpoenas are returnable on December 7, 1977.

Enclosures (4)

NOTE:

This communication advises the Deputy Attorney General of the receipt of subpoenas calling for testimony of Identification and Laboratory Division personnel in a non-federal civil action. The subject matter of the litigation is solely within the cognizance of the FBI. This communication informs the Deputy Attorney General that the Director of the FBI has declined to authorize such testimony and requests the Deputy Attorney General, pursuant to the appropriate provision of the CFR, to make a final decision with regard to this matter.

( 5 )

APPROVED:

Director _____	Adm. Serv. _____	Legal Coun. _____
Assoc. Dir. _____	Crim. Inv. _____	Plan. & Insp. _____
Dep. AD Adm. _____	Ident. _____	Rec. Mgmt. _____
Dep. AD Inv. _____	Intell. _____	Spec. Inv. _____
	Laboratory _____	Training _____
		Public Affs. Off. _____

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF CLARK

In the Matter of the Estate of  
HOWARD ROBARD HUGHES, Jr.,  
Deceased.

ANNETTE GANO LUMMIS, et al.,  
Contestants

vs.

HAROLD RHODEN, substitute of  
NOAH DIETRICH,  
Proponent

No. 7276

Department IX

Deposition of JAMES E. LILE,  
taken on Friday, July 8, 1977.

RALPH KERRY, C. S. R.  
& ASSOCIATES  
COURT REPORTERS - DEPOSITION NOTARIES  
1830 WEST EIGHTH STREET  
LOS ANGELES, CALIFORNIA 90017  
483-1334  
C.S.R. #260

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF CLARK

In the Matter of the Estate  
of  
HOWARD ROBARD HUGHES, JR.,  
Deceased.

ANNETTE CANO LUMMIS,  
BARBARA CAMERON, et al.,  
Contestants,  
vs.  
HAROLD RHODEN, substitute of  
NOAH DIETRICH,  
Proponent.

No. 7276

Department No. IX

Deposition of JAMES E. LILE, taken on behalf of the  
proponent at 2049 Century Park East, Los Angeles, California  
on Friday, July 8, 1977, commencing at 10:00 A.M., before  
Carmel Verodi, CSR, Notary Public, pursuant to notice.

APPEARANCES OF COUNSEL:

For Contestants  
Annette Cano Lummis and William R. Lummis:

Andrews, Kurth, Campbell & Jones  
By O. Clay Lilienstern, Esq.  
2500 Exxon Building  
Houston, Texas 77002

RALPH KERRY, C.S.R.  
COURT REPORTER - DEPOSITIONS  
1830 WEST EIGHTH STREET  
LOS ANGELES, CALIFORNIA 90057  
381-6635

August 9, 1977

James E. Lile, Special Agent  
Federal Bureau of Investigation  
Ninth and Pennsylvania Avenue, N.W.  
Washington, D.C. 20535

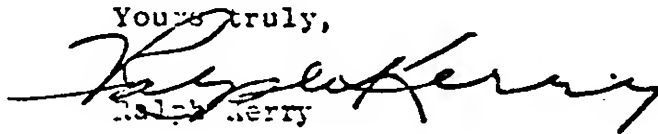
Re: Estate of Howard R. Hughes, Jr.

Dear Mr. Lile:

Enclosed herewith is your deposition, taken July 6, 1977. After reading it, please sign it on the signature line on page 189 before a notary public, having your signature notarized.

If you wish to make any changes in any of your answers, you may do so with pen and ink, initialing each change. Then return the deposition to me promptly for filing with the court.

Yours truly,



Encl.

cc Harold Rhoden, Esq.

Rec'd in Lab 8/12/77 *JD*

For Contestants

Barbara Cameron, Agnes Roberts and Elspeth DePound:

Kindel & Anderson

By Paul L. Freese, Esq.

555 South Flower Street

Los Angeles, California 90071

For State of Nevada:

D. G. Menchetti

Deputy Attorney General

Chief, Criminal Division

Supreme Court Building

Carson City, Nevada 89710

For Proponent:

Harold Rhoden, Esq.

Harvey Strassman, Esq.

By Eli Blumenfeld, Esq.

2049 Century Park East

Los Angeles, California 90067

I N D E XWITNESSEXAMINATION

JAMES E. LILE

By Mr. Blumenfeld	5 - 107
By Mr. Lilienstern	107 - 115
By Mr. Freese	115 - 153
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By Mr. Menchetti	186 - 187
By Mr. Freese	187 - 189

E X H I B I T SPROPONENT'SIDENTIFIED

1-a, b, c	Letter dated 12-8-76	6
2-a, b, c, d, e, f	Voluntary Statement of Melvin E. Dummar dated 1-15-76	9
3-a, b c, d, e	Inner envelope three-page will	23
4-a, b, c d, e, f, g	First Document Report dated 3-11-77	19
5-a, 5-b	Second Report dated 4-18-77	19
6	Photocopy of front and reverse sides of inner envelope	28
7	Color photo of front side of inner envelope	29
8	Color photo of reverse side of inner envelope	29
9-a thru m	James E. Lile's Notes	37



PROPONENT'SIDENTIFIED

10a through h	Eckersley Memo	37
11a through 11cccc, with 11yy omitted	Photocopies of exemplars	67
12a, 12b	Outer envelope	104
13a, 13b	Note	104

JAMES E. LILE,

a witness in the above entitled action, having been first duly sworn, testified as follows:

EXAMINATION

BY MR. BLUMENFELD:

Q Would you, Mr. Lile, just give us your address where you can be reached, for the record?

A Federal Bureau of Investigation, Ninth and Pennsylvania Avenue, Northwest, Washington, D.C. 20535.

Q Mr. Lile, have you ever had your deposition taken before?

A Not in a civil matter.

Q Now, your deposition is very much like being in court; that is, you're under oath and all the requirements apply here, the only difference being that there's no judge; but the questions will be asked of you and your answers will be recorded by the reporter. If there is any question about a particular question, if you are at all concerned or don't understand the question, don't hesitate to so state, and we'll rephrase it. Our purpose is just to obtain certain information.

At the end of the deposition at a later date, you will be given a chance to review the deposition and make any corrections and changes that you wish; but, if you make any changes, any attorney will have an opportunity to comment on the changes, if it's ever used in the trial. You will, then, get an opportunity to change or make corrections, sign it before a notary, and return it to the reporter, who will file it with

the court.

Mr. Lile, you were requested to make certain tests in connection with documents in this Howard Hughes will case, were you not?

A Yes, I was.

Q And who made that request?

A The request was made in a letter from Mr. Bruce Greenhalgh, who was identified as a chief investigator for the State Attorney General, State of Nevada.

Q Do you know what that request was?

A There were several. It was a somewhat lengthy letter and there were several different types of document examinations.

Q Do you have a copy of that letter?

A Yes, I do.

Q Can we see it, please? You don't have any problems?

MR. MENCHETTI: No, no problem.

May I look at the letter first? We sent so many.

MR. BLUMENFELD: We can go off the record.

(Discussion off the record.)

MR. MENCHETTI: No objection.

MR. BLUMENFELD: Can we mark this as an exhibit? I guess we'll call it Lile 1, a through c.

(The document referred to was marked by the notary public as Proponent's Exhibit 1-a, b, c for identification.)

MR. MENCHETTI: What is the date of that letter?

MR. BLUMENFELD: December 8, 1976.

Q BY MR. BLUMENFELD: Mr. Lile, I'm going to hand you Lile Exhibit 1 a through c and ask you if you conducted the tests requested in that letter?

A I think I should clarify something. First of all, in this particular letter, he had submitted many photocopies of documents rather than original documents and, in subsequent telephone conversations with Mr. Greenhalgh, he was advised these photocopies were not adequate for document examinations and it would be necessary for him to obtain the original documents rather than photocopies. He subsequently came to Washington personally with the original documents; and, in personal conversation, he, in essence, repeated the request in this particular letter.

Q Now, when he came to Washington, did he bring the originals of every document set forth in that letter?

A No; he brought the originals of key -- that is, the three-page will, original of the so-called inner envelope, and, as I recall, that was all the original documents, with the exception of some handwriting exemplars of various individuals.

Q Now, do you know if any of those exemplars were original documents?

A As I recall, some of them were; yes, they were.

Q Do you recall which exemplars were brought?

A Again, I'd have to refer to my notes.

Q You may do that.

MR. FREESE: Could I look at the letter while he does?

MR. BLUMENFELD: Sure.

THE WITNESS: Yes. In addition to the so-called inner

1 envelope and the so-called outer envelope and note, as well as  
2 the three-page will, he brought a six-page voluntary statement  
3 which bore the handwriting exemplars of Melvin E. Dummar --  
4 D-u-m-m-a-r.

5 Q BY MR. BLUMENFELD: And was that the only exemplar --

6 A At that time, yes.

7 Q -- at that time?

8 Do you have a copy of that six-page voluntary  
9 statement that was brought?

10 A Yes, I do.

11 Q May we have a copy of it, please?

12 A What I have are photographs of the exemplar writings.  
13 Since they do constitute part of our file, I'll have to have  
14 them to take back with me.

15 Q Certainly.

16 MR. MENCHETTI: You'll see what he's referring to now,  
17 Paul.

18 Q BY MR. BLUMENFELD: Now, these are photographs of  
19 the six-page document. Do you mind if we mark it with the  
20 exhibit number or would you prefer we make Xerox copies first  
21 and --

22 A Prefer you make copies of them.

23 Q All right, we'll refer to them as exhibits and  
24 then have Xerox copies made.

25 Six-page document labeled Voluntary Statement,  
26 signed by -- has the signature of Melvin E. Dummar. We'll  
27 label that as Exhibit Lile 2-d through i -- if my lettering is  
28 --

1 MR. LILIENSTERN: You want to start with "a" again,  
2 don't you?

3 MR. BLUMENFELD: That's right; Lile 2-a through f.

4 MR. MENCHETTI: What is the date of that, please?

5 MR. BLUMENFELD: Dated January 15th, 1976.

6 Now, Mr. Lile, aside from the documents that you  
7 have just mentioned, did you have any other original documents  
8 in connection with your analysis?

9 A Not at that time. Others were subsequently brought  
10 or mailed to me both by Greenhalgh and other persons.

11 Q And which other documents, original documents were  
12 brought to you at a subsequent time?

13 A There were a large number of them. I had approximate-  
14 ly 100 sheets, 100 pages of original writings of Howard R.  
15 Hughes, in addition to other documents.

16 Q Would your notes reflect which exemplars you had  
17 with respect to the original writings of Howard Hughes?

18 A Yes, I do.

19 Q Could you just tell us which original documents --

20 A The documents referred to in my lab report as  
21 specimens K5, K6, K7, K9, K10, and K11.

22 Q So it's K5 through 11?

23 A 5 through 11, excluding 8.

24 Q And approximately how many pages did this consist  
25 of, being 5 through 11?

26 A Roughly estimating, I would say approximately 100  
27 pages, perhaps less, a few more.

28 Q Do you have copies of all these exemplars?

1 A Yes, I do have photographs.

2 Q May we have that?

3 A They will be numbered in reverse order. from the  
4 bottom of the folder up.

5 MR. BLUMENFELD: Off the record.

6 (Discussion off the record.)

7 MR. BLUMENFELD: Back on the record.

8 Q BY MR. BLUMENFELD: Mr. Lile, approximately how  
9 many separate documents do K5 through 11, omitting 8, represent?

10 A By documents, do you mean considering a multi-page  
11 document --

12 Q Yes.

13 A -- as opposed to a single document? I don't know;  
14 several have multi-page letters.

15 Q May I take this file apart?

16 A Surely, if you try to keep them in the order that  
17 they are.

18 Q You indicated you had the original of each one of  
19 these pages?

20 A Yes, I do.

21 Q And these are all photographs. Who made the photo-  
22 graphs?

23 A Photographs were taken by photographic technicians  
24 working under my direction in the FBI laboratory. The actual  
25 size is one to one. The photograph reproduction is true and  
26 are faithful copies of the original documents.

27 MR. BLUMENFELD: Off the record.

28 (Discussion off the record.)

1 Q BY MR. BLUMENFELD: Now, getting back to the tests  
2 that you conducted, will you just generally tell me which tests  
3 you personally conducted?

4 A I was requested, or the FBI laboratory was requested,  
5 to do several examinations. My particular portions of the  
6 examinations concerned requests, first of all, to determine  
7 whether the will was in fact prepared by Howard R. Hughes, or  
8 was not prepared by Howard R. Hughes; second request<sup>xy</sup>ion, if it  
9 was determined that it was not prepared by Howard R. Hughes,  
10 to make comparisons of the writings on the will with the exemplar  
11 writings that were submitted to me -- Melvin Dunbar's writings,  
12 as well as the writings of several additional individuals --  
13 for the purpose of determining, if possible, whether any of  
14 those individuals did prepare the will, the inner envelope, and  
15 the outer envelope with the note.

16 I was also requested, if possible, to determine the  
17 approximate age of the document -- that is, the date that it was  
18 prepared -- and any other information that would assist in  
19 determining the source of either the envelopes or the three-page  
20 will, and a few other requests concerning various types of  
21 examinations concerning the inks, the staining on the papers,  
22 the postage meter mark on the reverse side of the envelope,  
23 several document-type requests.

24 Q And did you conduct all of these requests as  
25 requested of you?

26 A With the exception of the ink examinations and the  
27 fingerprint examinations, I did conduct them.

28 Q Mr. Lile, would you tell us what your area of



1 expertise is in the Federal Bureau of Investigation?

2 A I'm in the examination of questioned documents.  
3 This consists usually of the comparisons of the handwriting,  
4 typewriting, mechanical<sup>ly</sup> printing processes, paper; in some  
5 instances, inks; and early preliminary examinations of various  
6 types of documentary evidence for the purpose of either  
7 determining the source of questioned or disputed documents or  
8 the identity of the author of the particular set of writings.

9 Q When you say questioned documents, are you talking  
10 about the handwriting? Would that fit within that?

11 A The handwriting would be part of the questioned  
12 document. I examine the physical aspect of the questioned  
13 document in its entirety, depending on what the situation is.  
14 There are various instances where I would be expected to  
15 conduct examinations for indented writings or examinations of  
16 paper, in an attempt to determine the manufacturer of the  
17 paper or to examine typewriting to determine the manufacturer  
18 of the typewriter used to prepare the typewriting in various  
19 questioned document examinations.

20 Q Would you be considered an expert in handwriting  
21 in the FBI?

22 A We don't use the term ourselves. The term is  
23 applied to us by the courts and other persons, but I consider  
24 myself qualified in the examination of questioned documents, as  
25 do my colleagues.

26 Q But you do, in your analysis, examine and compare  
27 the given document to exemplars?

28 A That's correct.

1 Q And you also make an analysis of the ink that was  
2 used?

3 A Only in early, preliminary-type, elimination  
4 situations. In this particular instance, I did not examine the  
5 inks.

6 Q But you normally do the preliminary stages?

7 A The preliminary stages. I do; that is true when  
8 limited examinations -- that can be limited to lighting or  
9 photographic processes and do not involve the chemical examina-  
10 tions. I am not qualified to do chemical examinations.

11 Q Now, you are an expert as to determination of the  
12 paper, the kind of paper, the age of the paper; is that correct?

13 A To the limits of non-destructive examinations, yes.

14 Q That includes determining the manufacturer of the  
15 various papers?

16 A If possible, that is correct.

17 Q And you also stated that you were requested to check  
18 the postage meter?

19 A That is correct.

20 Q That is, the inner envelope; and what did you do  
21 with respect to that postage meter? What check test did you  
22 perform?

23 A I, first of all, directed the photographic technicians  
24 to utilize infrared and ultraviolet photography to determine  
25 whether or not the ink in the stamp did or did not fluoresce --  
26 that is, glow -- under ultraviolet light. Under certain  
27 situations, we had been advised in the past by Pitney Bowes,  
28 who is the manufacturer of the postage meters, that at that

1 particular time they did begin putting a fluorescent feature  
2 into the ink, so I directed the photographic technicians to do  
3 that on the stamp; and I also examined it purely from a non-  
4 destructive microscopic standpoint.

5 Q But you didn't conduct the photographic test your-  
6 self?

7 A No, it's done under my direction and supervision  
8 by technicians.

9 Q Was a report submitted to you with respect to the-  
10 meter?

11 A They reported the results orally to me and also  
12 gave me the photographic results of their examinations.

13 Q And what were these results?

14 A The results were that the postage meter impression  
15 did not fluoresce. The postage meter impression disappeared  
16 when photographed under infrared lighting, to indicate there was  
17 no carbon in the ink itself and that, in essence, is the limit  
18 of it and not conclusive in any fashion.

19 Q Now, you indicated earlier that you had exemplars  
20 of individuals other than Melvin Dummar?

21 A Yes, I had exemplars of -- and had caused some  
22 confusion as to Bonnie Dummar's and Linda Dummar's, I believe.

23 Q Did you conduct the tests to determine whether the  
24 will -- that is, when I talk about the will, we're talking about  
25 the so-called Mormon will --

26 A Three-page will.

27 Q -- three-page will; and, for purposes of the record,  
28 so there will be no confusion, why don't we at this point

1 introduce that three-page will and the inner envelope, front  
2 and back, as an exhibit?

3 I'm handing you a document. If you will review this  
4 document and tell me whether this is -- and it's a Xerox --  
5 of the inner envelope and the three-page will that you reviewed.

6 A Yes, this appears to be a copy of the will and  
7 envelope I examined.

8 MR. BLUMENFELD: Okay, let's mark that as Exhibit Lile  
9 3-a through e.

10 Q BY MR. BLUMENFELD: Mr. Lile, do you have any other  
11 specialties other than the ones you have indicated, other than  
12 with regard to the questioned documents?

13 A I specialize in the examination of photocopies and  
14 photocopying machines. I've published articles in technical  
15 journals on the topic. I additionally have a particular  
16 specialty in the examination of printing -- that is, mechanical  
17 printing processes and printing material.

18 Q Any other specialties?

19 A Those are the major fields.

20 Q How long have you been with the Federal Bureau of  
21 Investigation?

22 A For more than 16 years.

23 Q And would you tell us briefly, during these 16  
24 years, what you did with the Federal Bureau of Investigation?

25 A Yes, I originally served in a clerical capacity  
26 when I was very young after high school. Later, after I  
27 attended classes at George Washington University, I qualified  
28 for the position of technician in the laboratory. I served as

1 technician in the laboratory a few years. Thereafter, upon  
2 completion of my education, I entered the FBI Academy for  
3 special training.

4 Q Approximately what period of time?

5 A We're talking about 1958 through 1966.

6 Q And in 1966 you entered the FBI?

7 A As a special agent, yes. Prior to that time, I  
8 had been a non-agent employee technician myself.

9 After becoming a special agent, I served approximately  
10 three years as a field investigator special agent.

11 Q Doing what?

12 A Various types of criminal investigations and other  
13 responsibilities, usually assigned to the field.

14 Q What years?

15 A 1966 through '69. In early 1969 I returned to  
16 Washington to the FBI laboratory on a full-time basis.

17 Q In 1969 what did you do at that time?

18 A At that time I studied; I worked under the guidance  
19 and supervision of experienced examiners; I have read  
20 extensively, I attended classes, conducted experiments, both  
21 of the <sup>classic</sup> ~~class~~ variety <sup>in the</sup> ~~and~~ questioned document field and did  
22 original research.

23 Q During this period from 1969 forward, while you  
24 were studying, did that include all areas of your expertise so  
25 that you focused in any particular area initially?

26 A That included all areas -- initially covered all  
27 areas of questioned documents and included a Master of Science  
28 Degree from George Washington University in forensic science.

1 Q When did that occur, your Master of Science in --

2 A I believe in 1973, that I obtained the Master of  
3 Science Degree.

4 Q And have you been called upon to testify in any  
5 trial in connection with questioned documents?

6 A A large number of times, yes.

7 Q In what area have you testified? Would it be in  
8 any of these special areas of expertise you have mentioned or  
9 just generally in all areas?

10 A As a practical matter, it has been in all areas but,  
11 <sup>by</sup>from a numerical majority <sup>by</sup> have involved handwriting.

12 Q I see. Have you also been called to photograph any  
13 crime scenes at any time?

14 A No, I have not.

15 Q You're not a photographer?

16 A No, I am not. I have received very basic photo-  
17 graphic training, some basic chemistry of photography but do  
18 not consider myself a photographer, not a professional.

19 Q You conducted tests on the physical evidence with  
20 respect to the inner envelope and the three-page will, which we  
21 have labeled Exhibit Lile 3-a through e; is that correct?

22 A That's correct.

23 Q Now, with respect to just the envelope, the inner  
24 envelope, what test did you conduct on that envelope, other than  
25 the handwriting?

26 A Other than the handwriting, any tests that I  
27 conducted were limited to non-destructive tests. The under-  
28 standing at that time I received the evidence was that my

1 examinations would be limited to non-destructive tests. These  
2 consisted primarily of physical examination of the envelope  
3 itself; that is, using magnification, specialized lighting,  
4 both oblique or side lighting; and, in an attempt to determine  
5 whether there were any indented writings or other extraneous  
6 markings on the envelope, to determine, if possible, what  
7 caused the very obvious change in color and texture around the  
8 edges of the envelope; to examine the inks themselves to see,  
9 again, from a lighting standpoint, whether the inks were  
10 consistent -- that is, whether they consistently did or did not  
11 fluoresce under ultraviolet light or did or did not drop out  
12 under infrared lighting. I conducted all of these examinations.

13 Q Did you prepare a report as to your findings?

14 A Yes, I did.

15 Q May we see a copy of that?

16 A The report actually consisted in two parts: the  
17 first part was prior to the examination for latent fingerprints;  
18 and the second part was limited to an examination of the flap  
19 on the envelope, the inner envelope, at the time the latent  
20 fingerprint examination was conducted.

21 Q You didn't conduct the investigation as to the  
22 latent fingerprints?

23 A No, I did not.

24 Q Is your report broken down between the handwriting  
25 -- is it apart from the physical evidence?

26 A No, it's all in the same report, same two reports.  
27 The second report --

28 Q And the report you're handing me, dated March 11,

1 1977, which report is that?

2 A This was the first document report; that is the  
3 report concerning just the document examinations that I submitted  
4 to the Attorney General of the State of Nevada.

5 Q Let's mark this as an exhibit. That would be  
6 Lile Exhibit 4 -- seven-page document, a through g.

7 A Then the second half of the examination, that is,  
8 the final <sup>stage</sup> ~~stage~~ of the examination for document exams reported  
9 in FBI Lab Report dated April 18, 1977 --

10 MR. LILIENSTERN: I suggest you give the reporter time  
11 enough to mark those.

12 MR. BLUMENFELD: Yes, let's also mark the second report  
13 dated April 18, 1977 as Lile 5 a and b.

14 (The documents referred to were marked  
15 by the notary public as Proponent's Exhibits  
16 4-a through g and 5-a and 5-b for identifi-  
17 cation.)

18 Q BY MR. BLUMENFELD: Mr. Lile, would you please refer  
19 to your report and notes; and dealing just with the physical  
20 evidence, aside from the handwriting in question, can you tell  
21 us what examination you conducted and what you found?

22 A You said other than the handwriting?

23 Q Right.

24 A I examined all of the original documents; that is,  
25 the inner envelope and the three-page will, again, preserving  
26 the documents as I did so from any contamination. Knowing they  
27 would be treated later for latent fingerprints and wearing  
28 cotton gloves, I examined all the documents under ultraviolet



lights, both fluorescent and luminescent, for purposes of determining whether any additions or other inks had been added to the document itself. In many instances these examinations will permit a determination when this has occurred.

I did the same type examination, using infrared lighting, again both luminescent and fluorescent, for the same purpose.

Also, these tests will show any extraneous stains that will appear. The stains may fluoresce underneath <sup>none of it</sup> lightings when done under visible lighting.

I found the reverse side of the third page of the will, the lower half of the reverse side, fluoresces slightly under ultraviolet light, whereas none of the remainder of the pages or the envelope fluoresce at all, neither the writing, the stains, nor the paper. I found that they reacted similarly under infrared lighting, both fluorescent and luminescent.

I examined the documents microscopically, looking for any indication that erasures, changes, additions, or deletions had been made. I found one erasure. I found one erasure on the seventh line of the first page of the three-page will. It appears in the word --

MR. FREESE: Sorry, seventh line?

A Seventh line on the first page of the three-page will; and, it occurred in the word Las -- L-a-s -- Las Vegas.

MR. LILIENTERN: The entire word or --

THE WITNESS: The final portion.

Q BY MR. BLUMENFELD: When you say final portion, were you referring --

1           A       To the area of the "a" and the "s" in the word  
2 Las.

3           Q       Just in the word Las?

4           A       Just in the word Las; this was the only erasure  
5 I found in the document.

6                   I examined the documents to see if there were any  
7 water marks, brand names, trademarks, to assist in determining  
8 the manufacturer of either the paper or the envelope. I found  
9 none.

10                  I examined the postage meter mark on the envelope  
11 in an attempt to determine the exact date shown on the impression  
12 and to decipher the meter number, which appeared on it, but  
13 without good luck; could not determine the exact date, could  
14 not be determined; nor could the full postage meter number be  
15 determined.

16                  Again, I instructed the photographers, utilizing  
17 high-contrast photography, to make, in essence, darker images  
18 in an attempt to bring them out, including enlargement, but  
19 without success.

20                  And those were the primary physical examinations  
21 that I conducted of the envelope and the three-page will.

22           Q       With respect to just the postage meter for the  
23 moment, were you able to determine any part of the date on the  
24 meter number?

25           A       Yes, a portion, as I recall; the photographs would  
26 show a portion of it.

27                   Yes, in the photograph, the letters M-a-r,  
28 abbreviation for March, can be seen; but the remainder, the

1 date is obliterated.

2 Q And how about the postage meter number?

3 A Same is true of the postage meter number; in some  
4 instances, portions of the numbers are visible, but I could not  
5 make a determination as to what the exact numbers were.

6 Q Did you try to determine whether those numbers were  
7 actual numbers used by Pitney Bowes?

8 A No. In conversation with Mr. Greenhalgh, he  
9 advised me he had already attempted to do that and he himself  
10 had been in contact with Pitney Bowes, so I did not do it.

11 Q Now, getting back to this erasure on the word Las;  
12 how did you determine it was an erasure?

13 A It's very noticeable, particularly when oblique  
14 lighting is placed parallel to the surface of the paper. In  
15 this instance, the fiber <sup>fractures</sup> ~~factore~~; the disturbances, are very  
16 noticeable.

17 Q Could you determine whether the erasure was on the  
18 paper before the words were put on or the words themselves were  
19 erased? Is that possible to --

20 A There are faint traces of previous ink writings in  
21 those areas, giving an appearance that previous writings -- that  
22 is, one letter, portion of a letter -- had been erased and then  
23 written over again.

24 Q Now, with respect to the stains on the will itself,  
25 did you make any analysis of the stains?

26 A Well, the first simple analysis was to give a test  
27 to see if there was any noticeable odor of solvent. Some will  
28 have an odor and will stay for quite awhile, particularly if

1 the document is sealed. I noted none. Other than lighting  
2 examination of those stains, I conducted no others. I did,  
3 however, know, or I do know from my own experience, that  
4 although ball point ink writings, which these are, do not  
5 normally run when they get wet, because they are of a glycerin  
6 base, or petroleum base rather than water base, they will not  
7 run. However, under high temperature ball point ink will bleed  
8 slightly and run.

9 Q When you say ball point ink won't run, you mean  
10 immediately or at any time?

11 A Normally on the sheet of paper, if it gets wet,  
12 <sup>ball point ink</sup> the writings will not run on the surface of the paper as, say,  
13 a washable blue ink from a fountain pen. <sup>it</sup> If it were to <sup>be cleaned</sup> stain,  
14 <sup>that</sup> will cause them to run. This is at any date -- immediately  
15 or at a future date.

16 Q Now, with respect to the envelope itself, you  
17 indicated that you made an analysis of the flap of the envelope?

18 A Yes, I, at the time of the first examination --  
19 that is, prior to the treatment for latent fingerprints -- I  
20 made a microscopic examination of the flap. <sup>it's</sup> It's noted no  
21 extraneous glue lines.

22 Q By the way, we're referring to the inner envelope,  
23 which has been designated here as Lile 3-a and b; is that  
24 correct?

25 A That's correct.

26 Physical examination of the flap was made in an  
27 attempt to determine if there was an extraneous glue line, for  
28 example, made by <sup>opening</sup> people. When a letter is steamed open and

1 resealed, the person doing the resealing will not get the  
2 alignment of the flap in perfect alignment with the original  
3 sealing and this will leave sometimes a faint glue line. I  
4 found none. However, the absence of the glue line is not of  
5 particular significance. The absence of the glue line would not  
6 be of any particular significance but the presence, had it been  
7 there, would have been of significance; but I found none.

8 I<sup>14</sup> Also noted very noticeable crinkling, onion skin  
9 effect, on the flap of the envelope.

10 Q With respect to the absence of the glue line, that  
11 you found no glue line --

12 A No glue line.

13 Q -- what did that indicate to you?

14 A The absence of the glue line indicates nothing  
15 particular.

16 Q I see. In reviewing the flap, did you find any  
17 additional glue was added to the glue?

18 A Not by the non-destructive examination, no.

19 Q But you did find by other examination?

20 A Subsequently. At the time the documents were  
21 treated for latent fingerprints, I had asked in advance that  
22 the latent fingerprint examiner notify me at the time he was  
23 prepared to do his testing of the papers. He gave me a call  
24 and I went up to his laboratory -- this is Mr. Ferguson --  
25 went up to his laboratory and was present when he applied the  
26 acetone solution of ninhydrin -- n-i-n-h-y-d-r-i-n -- I believe  
27 it is.

28 At the time the application of this solution --

1 which is very wet -- at the time it's applied, the flap of the  
2 material, as will usually occur, immediately began to curl; so,  
3 with only slight pressure, the flap opened down to a portion,  
4 just a couple of inches from the edge. There it stopped. This  
5 reoccurred all the way around the edge of the flap: that is,  
6 the acetone caused the flap to turn. You will note this other  
7 particular pattern of four spots; the acetone did not affect the  
8 adhesive, so in applying additional force, the flap <sup>it</sup> became  
9 open but left some fibers still adhering to the -- imbedded in  
10 the adhesive, which remained <sup>on it</sup> in the balance of the envelope.

11 Again, I have a photograph showing the <sup>it</sup> ~~in~~  
12 adhesive pattern.

13 Q Why don't you let us look at that photograph and  
14 perhaps help us all in understanding?

15 A In this photograph I've indicated by the red arrows  
16 the areas where the ~~X-ray~~ <sup>extra</sup> adhesive <sup>was</sup> were applied. You can see  
17 there is a very recognizable pattern there. In my experience,  
18 acetone readily dissolves most envelope flap glues. Most  
19 envelope flap glues are dextrins, which are from refined  
20 starches, with the addition of other oils to the glue; and the  
21 dextrin glues are in essence rewettable; that is, you can wet  
22 them; you can wet them and dry them and wet them again and still  
23 have an adhesive power. This second glue did not readily  
24 release upon wetting by the acetone.

25 Q When you say second glue, are you saying there was  
26 additional glue added to the flap?

27 A In four areas.

28 Q And these are the four areas you discussed?

1 A Indicated by the arrows in the photograph, yes.

2 Q And were you able to test the age of that glue?

3 A No, that's not within my experience or training.

4 Q Well, what did that indicate to you, other than the  
5 fact that additional glue was added?

6 A When combined with the bleeding of the inks on the  
7 envelope, the wrinkled nature of the flap, the discoloration of  
8 the paper around the edges, and the presence of this additional  
9 adhesive, that indicates to me that at some time the envelope  
10 was sealed, steamed open, then resealed.

11 Q And prior to the resealing, there was additional  
12 glue added to the flap?

13 A That's correct.

14 Q Were you also able to determine whether the  
15 envelope was heated at any time?

16 A I noted discoloration and brittleness in the paper,  
17 which is consistent with heating of paper. Again, in my  
18 experience, paper can be readily given an appearance of great  
19 age by application of heat. Conservators of documents, for  
20 instance, in replacing fly leaves and things of that nature in  
21 historical papers will take the same type paper and age it in  
22 a dry-heating oven by the application of the heat. The heat  
23 will, in essence, affect the fibers in the paper in the same  
24 fashion that the passage of time will.

25 Q Are you saying it has the same effect?

26 A It has the same effect, yes.

27 Q Is this within your area of expertise, to determine  
28 whether it has a same effect?

1           A       I have seen it done and I have experience in that  
2 area.

3           Q       When you say you have experience in this area,  
4 would that be chemical analysis?

5           A       No, it is not; physical examination.

6           Q       Were you able to tell whether this heating was  
7 applied after or before the additional glue was added?

8           A       I couldn't determine that, no.

9           Q       Now, do you have a photographic copy of the front  
10 of the will -- oh, I see it's on the same --

11          A       The envelope is open.

12          Q       Would you tell me, if you can, what the effect of  
13 the heating was on that envelope?

14          MR. MENCHETTI: I'm going to object. I don't think he  
15 said it was heat. It had an indication it might have been heat.  
16 I don't think he said it was heat.

17          THE WITNESS: It has characteristics, which are usually  
18 found from heating. This is not positive evidence it was  
19 heating. As I stated before, extreme age would have the same  
20 effect on paper.

21          Q       BY MR. BLUMENFELD: That is what I wanted to get to.  
22 Then you could not tell whether it was the heating or the age  
23 that caused the discoloration of the envelope?

24          A       Not with any great degree of certainty, no.

25          Q       Now, in your analysis of the envelope, was the  
26 discoloration consistent throughout the envelope, the front  
27 and the back side?

28          A       There was some discoloration throughout, but it was



1 primarily isolated around the edges of the envelope; that is,  
2 the four sides.

3 Q And was it consistent on all four sides?

4 A One side, the upper edge, was brittle to the point  
5 that, I take it, at the final opening large portions and  
6 fragments of the envelope disappeared and fell off. At the  
7 time I examined it, it was still in a very brittle state.

8 MR. FREESE: Could we go off the record a minute?

9 MR. BLUMENFELD: Sure.

10 (Discussion off the record.)

11 Q BY MR. BLUMENFELD: We have been referring to a  
12 photocopy made by your office, but used by you, of the front  
13 and reverse side of the inner envelope?

14 A That's correct.

15 Q Why don't we mark that as Lile Exhibit 6? Again,  
16 I think we'll make a Xerox copy of this.

17 Now, in looking at Lile Exhibit 6, the front and  
18 reverse of the inner envelope, would you look at the outer  
19 edges of both front and reverse and tell me if that is  
20 consistent with a heating of an envelope?

21 A These same characteristics would be present if an  
22 envelope were exposed to extreme heat, yes.

23 Q Is that on both sides? Take a careful look at the  
24 edges on both the reverse and the front side?

25 A It's true on all the edges, but more noticeable on  
26 the upper edge; that is the upper flap edge.

27 Q Is this consistent with the front and reverse side  
28 on the same side of the envelope?

1 A I'm not certain I follow --

2 Q If you take a look at the envelope on the left side  
3 -- that is Lile Exhibit 6 -- you will see some indication of  
4 either heating or ageing, as I understand it; is that correct?

5 A Well, they are primarily noticeable in the brittle  
6 area in the upper edges and lower edge, but to lesser degree on  
7 the ends.

8 Q Now, taking a look at the end -- let's look at the  
9 left side as you are holding it facing you. Now, is the heating  
10 or ageing process, whichever it is, on the left side consistent  
11 on the front and reverse side?

12 Do you understand the question?

13 A I do, but I think it shows more clearly on color  
14 photographs than it does here which was torn, and showing the  
15 adhesive spots.

16 Q Can I take a look at the color photos?

17 A Sure.

18 Q Well, let's refer to the color photos and mark those  
19 as Lile Exhibit 7 for the front side and Lile Exhibit 8 for the  
20 reverse, the color photos of the inner envelope.

21 A That's correct.

22 Q With that question in mind, would you take a look  
23 at Lile Exhibit 7 and Exhibit 8 and respond to that question?

24 A The discoloration is more noticeable on the left end  
25 than on the right end. The brittleness and discoloration,  
26 however, is much more noticeable on the upper and lower edges  
27 than on either end.

28 Q Looking at Lile Exhibit 8, which is the reverse

side of the inner envelope, is there any discoloration there?

A Very little on the left edge.

Q Very little on the left edge; and looking at the same edge on Lile Exhibit 7, is there any discoloration on that edge? That's the same edge you just looked at?

A There is some.

Q Some?

A But less than the other edge.

Q Would you apply the same questions to the other side of the envelope, Lile Exhibit 7 and Exhibit 8 and respond to those questions?

A Again, I'm becoming a little confused over right and left when you turn the envelope over. Would you indicate which edges you mean on the photograph?

Q Maybe that's the problem.

A We're dealing with the front and back situation. The original envelope is like this (indicating.)

Q Right.

A Now, are you referring to the right edge on the face and the corresponding left edge on the reverse side?

Q That is correct.

A Yes, there is noticeably less discoloration on those particular edges than on the others.

Q And that is as you face the envelope, face the front of the envelope?

A Right, as you face the writings on the front, the right side is discolored to a lesser degree than the left-hand side edge.

1 MR. BLUMENFELD: Let's go off the record.

2 (Recess.)

3 MR. BLUMENFELD: Back on the record.

4 Q BY MR. BLUMENFELD: Mr. Lile, I'm looking at the  
5 report, Lile Exhibit 4-a through g, dated March 11, 1977. Is  
6 that a report by you or is that a report by your entire office?

7 A That's a report by me.

8 Q And you conducted each one of these tests set forth  
9 in your report?

10 A Yes, I did.

11 Q Now, with respect to the postage meter that was  
12 found on the reverse side of the inner envelope, which is  
13 Lile Exhibit 3-b, did you find that to be consistent or  
14 inconsistent with the Pitney Bowes postage meter?

15 A Based on the limited number of samples we had on  
16 file, it was generally consistent in configuration and size.

17 Q Now, with respect to the running, some kinds of  
18 staining on the will -- it's the three-page will -- did you  
19 make a determination as to what that was?

20 A Not to the degree of actually performing chemical  
21 examinations. I discussed the possibility of having the  
22 chemical examinations conducted with a chemist in our laboratory.  
23 He advised me that with almost any passage of time of any real  
24 duration, what few residues remained in the paper of the solvent  
25 would have evaporated, not leaving sufficient quantity to merit  
26 determination as to what that particular stain was; and then,  
27 based on my knowledge of what steam will do to ball point  
28 writings, it was my theory that these stains could have been

1 water -- that is, water in the form of <sup>stain</sup>stain -- but, again, it  
2 is not conclusive.

3 Q And in your discussion with the chemist in terms  
4 of the passage of time, did you specify any passage of time?

5 A Well, the date of the will was 1968.

6 Q So you're talking from 1968 --

7 A 1968 on and any period of time of lesser duration  
8 within that time frame.

9 Q Well, in terms of lesser durations, is there any  
10 minimum time -- a day, week?

11 A There are too many variables involved. Humidity  
12 affects it; temperature, exposure to extreme heat would affect  
13 it. There are too many variables to permit real determination  
14 as to the age of the stains of the document itself.

15 Q So, you couldn't determine with respect to the  
16 chemical analysis of the stains as to the age, as to whether it  
17 was written in 1968 or at any time subsequent thereto -- I'm  
18 sorry -- yes, the stain made subsequent to 1968?

19 A That's correct; totally <sup>inconsistent with</sup> ~~inconsistent~~.

20 Q So, it was consistent with either?

21 A That's true.

22 Q Now, going back for a moment to when you started  
23 working with the FBI in the area of questioned documents, you  
24 indicated that you started in 1969 and that you worked in the  
25 broad area of questioned documents plus these other specialties;  
26 is that correct?

27 A When you say started, of course, that's taking  
28 under consideration that I had previously served in the same

1 laboratory as technician, doing similar type work, but not in  
2 the <sup>possibility</sup> responsibility of examiner of documents. When I returned  
3 in 1969, it was as a trainee document examiner.

4 Q And what period of time were you a technician?  
5 That was '63 to '66 or --

6 A No, I was a technician from approximately 1960 until  
7 1963.

8 Q I see. That's when you went to school?

9 A While I was going to school.

10 Q And why was it necessary for you to be a trainee  
11 in '69 if you had previously undergone the same training?

12 A First of all, there is a distinct separation  
13 between the duties of technician and the duties of examiner.  
14 A technician does many types of preliminary examinations. The  
15 technician does many things, such as the cataloging of  
16 evidence, proofreading of reports, that sort of thing; whereas  
17 the examiner does the final examination itself, verifies and  
18 checks all the preliminary examinations conducted by the  
19 technician, writes the final report, and testifies as to the  
20 conclusions in that report, if necessary.

21 Q Do you have a back-up examiner on this examination?

22 A There were a total of three examiners involved. The  
23 case was originally assigned to a different examiner. I was  
24 scheduled to be the back-up examiner to him, just so that one  
25 of us would be available, hopefully, in the event the results  
26 were necessary in court. The original examiner was transferred  
27 to a different position. I became then the number one  
28 examiner and they assigned another examiner as a back-up.

1 Bureaucratic snarl, but in essence, three examiners have been  
2 involved in various stages in the examination, yes.

3 Q Well, is there a back-up examiner to the work that  
4 you did? We have already taken the deposition of Mr. Ferguson  
5 and, of course, he was working on latent fingerprints.

6 A That's correct.

7 Q Who was the back-up examiner for you?

8 A Donald Stangel -- S-t-a-n-g-e-l.

9 Q And he is in your office in Washington, D.C.?

10 A Yes, he is. He's back-up examiner on the hand-  
11 writing portion. There is no back-up examiner on the remaining  
12 portion.

13 Q Now, in your analysis of the physical evidence, were  
14 you able to determine the age of any of the physical evidence  
15 that you examined?

16 A No, I was not.

17 Q Now, when you made this examination to determine  
18 whether the will was written by Howard Hughes, you said you  
19 also had exemplars by other individuals, some of them being  
20 Melvin Dummer, Bonnie and Linda Dummer?

21 A Two Bonnie Dummars, as I recall; that is correct.

22 Q Now, did you make a determination as to whether  
23 any of those individuals wrote the three-page questioned will?

24 A No, no determination was made.

25 Q Did you attempt to do so?

26 A I attempted to do so; for several reasons it was  
27 not possible to do so.

28 Q Would you tell us why it was not possible?

1           A       Firstly, the exemplars I had for the female  
2       Dummar -- plural -- were, for the most part, photocopies of  
3       the documents. Photocopies of handwriting, in my experience,  
4       are not adequate for handwriting examinations.

5           Q       Does it make any difference which degree of photo-  
6       copy it is: first, second, third?

7           A       It is extremely rare, in my experience to make a  
8       determination with first generation photocopies of such.  
9       Every succeeding generation of photocopy makes it that much  
10      worse. That was one reason. The chief reason, however, was  
11      due to the nature of the questioned writings themselves; that  
12      is, these questioned writings were not in the normal writings  
13      of whoever prepared them. They were, in essence, drawn. It's  
14      like having two persons draw a square. It would not be  
15      possible to state who drew the square because they are, in  
16      essence, drawing a square. These writings are drawn; they are  
17      not written.

18          Q       Are you saying, then, someone can intentionally  
19      disguise their handwriting so you could not tell a particular  
20      person wrote it?

21          A       Yes, it is possible.

22          Q       Is it easy to do?

23          A       Some persons more easily than others.

24          Q       But it's common?

25          A       No, it is not common, except involving simulated  
26      writings; that is, in copying other persons' writings. You  
27      have to differentiate between the words disguise and simulation.

28                   A person intending to disguise their own writings



1 would do several different things to those writings. The results  
2 would be considerably different than the type of writings that  
3 would result from one person trying to copy the writings of  
4 another individual.

5 Q Earlier you mentioned indented writings. I'm not  
6 familiar with that. Maybe you can clarify.

7 A Very simply, it's the writing on the page underneath  
8 other writings. That is, if you're writing on a tablet, the  
9 page underneath where you're writing will have some of the  
10 indentations of the writings you're making.

11 Q You just indicated that the exemplars that you had  
12 of the individuals other than the known writings of Howard  
13 Hughes were drawn; is that correct?

14 A No, I'm sorry if I caused you to misunderstand.  
15 What I was saying is that the primary reason no determination  
16 could be made whether any of those persons prepared the will  
17 was because of the nature of the writings on the will itself;  
18 that is, the questioned writings were not the normal writings  
19 of the individual. I had no reason to believe any of the  
20 exemplars were <sup>other than by</sup> the normal writings of the persons.

21 Q I was confused then. I understand.

22 So, your report then indicates you just could not  
23 tell from the exemplars prepared by individuals other than the  
24 known writings of Howard Hughes, whether they wrote the will?

25 A That's right. I could neither identify nor  
26 eliminate any of those as having prepared those questioned  
27 writings.

28 Q Now, in preparation of your reports did you have any

1 notes that you worked on before you prepared the written report?

2 A Yes, I do.

3 Q May I see those, please?

4 A (Handing.)

5 Q Are these the sum total of your notes you prepared?

6 A Yes, I believe they are.

7 Q May we mark these as an exhibit?

8 A Yes, if I can have them back.

9 Q Right. We'll mark these.

10 (The documents referred to were marked  
11 by the notary public as Proponent's Exhibits  
12 9-a through m for identification.)

13 Q BY MR. BLUMENFELD: Mr. Lile, I'm going to hand you  
14 a document which has been identified as an Eckersley memo and  
15 ask you if you have ever seen this memo?

16 MR. MENCHETTI: You're showing a photocopy?

17 MR. BLUMENFELD: Xerox copy of what has been often  
18 described as an Eckersley memo in the special administrator's  
19 report, submitted to the Court on the search of the will.

20 THE WITNESS: I don't recall ever seeing this document  
21 before but, again, in all honesty, with more than 100 pages or  
22 so, I cannot specifically remember seeing it. It doesn't look  
23 familiar to me.

24 MR. BLUMENFELD: Let's mark this Lile Exhibit 10-a  
25 through h. There are eight pages.

26 (The document referred to was marked by  
27 the notary public as Proponent's Exhibit  
28 10-a through h for identification.)

1 Q BY MR. BLUMENFELD: Mr. Lile, I'm going to hand  
2 you Exhibit Lile 10 a through h and also a photocopy of a --  
3 I'm sorry, a photograph of the document. Will you please tell  
4 me whether that Lile 10 is a photocopy of that photograph I've  
5 just handed you?

6 A It would appear to be, yes.

7 MR. FREESE: Did you call that the Eckersley memo?

8 MR. BLUMENFELD: Yes.

9 MR. FREESE: Referred throughout the deposition as that,  
10 I believe.

11 Q BY MR. BLUMENFELD: Mr. Lile, do you have a photo-  
12 graph of the three-page will in your possession?

13 A Yes, I do.

14 Q Will you take out that photograph, just for  
15 reference purposes only?

16 Now, will you take your time in examining both the  
17 three-page will and the Eckersley memo, this Lile Exhibit 10,  
18 and tell me whether the same person wrote those two documents?

19 MR. MENCHETTI: At this time I'm going to object to the  
20 question of Counsel strictly on the grounds he's here to attest  
21 what he did; he's not here to act as expert in a civil proceed-  
22 ing. We have brought him forward to testify as to what he did  
23 for the State of Nevada in pursuance to our criminal investiga-  
24 tion. I don't think he's authorized by law, number one, to  
25 conduct tests for civil proceedings; and, if you would like,  
26 I'll spend a moment with my client before going any further.  
27 Is that satisfactory?

28 MR. BLUMENFELD: That is fine.

1 MR. FRIESE: Please just note the reason we're off the  
2 record.

3 (Witness consults with Mr. Menchetti.)

4 MR. MENCHETTI: I've just conferred with my client and  
5 he indicates that my objection is in fact his understanding of  
6 his duties in being allowed to come here and report only as to  
7 investigations which he did in fact do, pursuant to a request  
8 of the Attorney General re Criminal Investigation. He's not  
9 authorized to provide any kind of expert examination to anyone  
10 outside of government agencies. So, from that standpoint, we  
11 have to object to the question.

12 MR. BLUMENFELD: Well, Mr. Menchetti, one thing I would  
13 like to know: are you representing him?

14 MR. MENCHETTI: I'm representing his interests and the  
15 interests of the State of Nevada because, without --

16 MR. BLUMENFELD: Well --

17 MR. MENCHETTI: Let me explain, perhaps, for the record.

18 The FBI cooperated with our office pursuant to our  
19 request in a criminal case. We, in accordance with an agreement  
20 with the Court, agreed to have these people and not object to  
21 their appearing, and they have agreed to appear voluntarily to  
22 reveal to the Court and to the parties in this litigation what  
23 their tests in fact revealed, the results of their examinations.  
24 We made all these results of their examinations available. So,  
25 I'm here in fact to present the State of Nevada's view and to  
26 assist the witness from the standpoint he's here voluntarily  
27 and doesn't have counsel.

28 MR. BLUMENFELD: Are you aware, Mr. Menchetti, I made an

1 independent arrangement with the supervisors of Mr. Lile and  
2 Mr. Ferguson for their appearance and testimony?

3 MR. MENCHETTI: I appreciate the fact you made an  
4 independent arrangement.

5 MR. LILIENSTERN: I presume, if you were going to perform  
6 any further examinations you would want to have some equipment.  
7 I don't think Mr. Lile is going to make any comparison right  
8 here and now.

9 THE WITNESS: I don't know of any competent ~~an~~ hand-  
10 writing examiner who would sit down in two, three minutes out-  
11 side of his own laboratory and dash off the results of a hand-  
12 writing comparison.

13 Q BY MR. BLUMENFELD: What if you would have two  
14 hours to do that?

15 THE WITNESS: Again, I can't say. I have no equipment,  
16 can't say the length of time. It varies considerably from one  
17 set of writings. Some require very low time for examination  
18 and comparison; others an extensive period of time.

19 MR. FREESE: I'll object to the suggestion you made you  
20 sort of hired him.

21 MR. BLUMENFELD: No, I didn't make that suggestion.

22 MR. MENCHETTI: There's no problem. He's not going to do  
23 any tests. You can pursue --

24 THE WITNESS: I explained this to you when you advised  
25 Mr. Rhoden was going to be in Washington, he would like me to  
26 examine the documents while he was there. I explained to you  
27 I'm not authorized, as an employee of the FBI, which is a  
28 Federal law enforcement agency, to conduct examinations for any

1 agency except duly constituted law enforcement agencies and in  
2 any matters except criminal, unless the United States govern-  
3 ment is a party at issue.

4 Q BY MR. BLUMENFELD: I see. That's right; you did  
5 so advise me.

6 A Yes.

7 Q But now, with that in mind, would that also include,  
8 in your opinion, making an analysis of the Eckersley memo at  
9 the present time?

10 A Under the circumstances, yes, it would.

11 Q And it would be independent of the amount of time  
12 available?

13 A Well, the amount of time available or the equipment  
14 necessary would be a completely different set of issues and  
15 considerations.

16 Q All right. You prepared a report on your analysis,  
17 your handwriting analysis of the three-page will?

18 A That's correct.

19 Q And what was your conclusion?

20 A That the three-page will and the inner envelope,  
21 that is, the writings on them, were not prepared by Howard R.  
22 Hughes, but that instead those writings represent a very poor  
23 attempt to copy or simulate the writings of Howard R. Hughes;  
24 and that no determination could be made as to who the actual  
25 author was.

26 Q Now, in reaching that conclusion, you conducted  
27 certain types of tests and certain kinds of comparisons. You

1 correct?

2 A That's correct.

3 Q Now, were there any exemplars that you found more  
4 important to you than any others in your comparison?

5 A Well, I don't know how to define the term, "important."  
6 I would attach greater significance to documents that  
7 bore approximately the same date as the will in reaching a  
8 positive determination that he did not prepare the will and the  
9 inner envelope. As a matter of fact, the large number of  
10 exemplars that I had did give me, as a document examiner, the  
11 unique advantage of being able to see an evolution in the  
12 writings of a single individual. I studied the writings  
13 throughout, in an attempt to try to, if possible, chronologically  
14 establish whether the writings in the will most closely  
15 resembled any particular groups of those exemplar writings, the  
16 idea being that it <sup>could be</sup> would be possible that one of those  
17 exemplar writings, or others, served as the model for the  
18 person or persons who did the copying or simulating; but it was  
19 not possible to determine which of those documents served as  
20 the model.

21 Q Did you determine that those documents, exemplars  
22 that you used, could have served as the model?

23 A Well, I would say that could have is a pretty broad  
24 term; but, yes, I would say any of them could have served as  
25 the model. It was not possible to state any one of them did.

26 Q As I understand, in other words, what you're saying  
27 is that everything in the will could have been in fact  
28 referred to in some of the exemplars for a model?

1 MR. FREESE: I object. That's a misleading statement of  
2 what he said. It's misleading, indefinite, confusing --

3 MR. LILIENSTERN: Inaccurate.

4 MR. FREESE: -- and inaccurate.

5 MR. BLUMENFELD: That's the objection; you can still  
6 answer it.

7 THE WITNESS: If you could rephrase it.

8 Q BY MR. BLUMENFELD: You used certain exemplars for  
9 comparison?

10 A <sup>my</sup> Voluminous quantity.

11 Q And, taking all the exemplars together, is it your  
12 opinion those exemplars could have been used as a model for the  
13 three-page will?

14 MR. FREESE: Again, I'm going to object as indefinite,  
15 compound. Implicitly, are you speaking collectively,  
16 individually?

17 MR. BLUMENFELD: All together.

18 THE WITNESS: I believe any particular portion, or almost  
19 any particular portion, could have served as the model in the  
20 broadest sense of the word. It does not preclude that other  
21 original writings of Howard R. Hughes served as the model.

22 Q BY MR. BLUMENFELD: In terms of the exemplars would  
23 you say you placed more importance on than others which were  
24 the same time as the writings of the will, at least the date --

25 A Date of the will, yes.

26 Q -- which exemplars are these you're referring to?

27 MR. FREESE: Again, you're incorporating your terminology.  
28 The witness expressly repudiated the word important. He talked



1 about significance in terms of time. I object on the ground  
2 it's an improper characterization of the witness's testimony.

3 Q BY MR. BLUMENFELD: You may answer the question.

4 A The documents bearing approximately the same date  
5 as the date on the will would have greater significance for a  
6 document examiner in comparing them than other documents; but  
7 they, alone, would not be sufficient to explain the normal  
8 handwriting variations that a person does put into their  
9 writings over a long period of time and, for that period, it  
10 was necessary to use a large number of exemplars. Even those,  
11 these particular ones, were more significant than others.

12 Q Which of the exemplars were more significant to you?

13 A Those exemplars which are identified as K5. For  
14 the most part, they consist of sheets of paper bearing writings  
15 beginning, "Bob," and they contain pencil notations.

16 MR. LILIENTERN: For the sake of accuracy, can you --

17 THE WITNESS: K5 is described as nine sheets of ruled  
18 yellow paper, each bearing the known writings of Howard R.  
19 Hughes and further described as follows: first page dated  
20 3/16/68, beginning --

21 MR. MENCHETTI: Do we need to go through all the report?  
22 You have it as your exhibit 4; that is, it would be page 4-a,  
23 b, c -- it would be 4-c; would give you the list that he is now  
24 reading.

25 MR. BLUMENFELD: I'm trying to find out which documents  
26 were more significant, and I don't -- we don't have to go  
27 through it too extensively. I want some idea of what documents  
28 you considered more significantly. K5 will refer to the report.

1 MR. MENCHETTI: On Exhibit 4-c.

2 MR. BLUMENFELD: Okay, if you will then refer to them by  
3 letter number. If I can have that document, Okay, so I can see  
4 what he's referring to.

5 MR. LILIENTERN: Yes.

6 THE WITNESS: These documents were of greater signifi-  
7 cance because the date or dates involved, in essence, span, or  
8 roughly coincide, with the date on the will as an indication  
9 to what the level of that particular person's writings were at  
10 that particular time.

11 Q BY MR. BLUMENFELD: Any others? Any more  
12 significance?

13 A And there are others. I attached, again, not more  
14 importance, but more significance, to the "Dear Chester and  
15 Bill" letter, K11, inasmuch as it had been reproduced publicly  
16 in Life Magazine and could logically have served as a model. I,  
17 again, examined that particular document rather closely -- and  
18 various portions of the others. The exact ones I can't recall.

19 Q I believe earlier you were testifying as to the  
20 evolution of someone's handwriting?

21 A Perhaps "evolution" was too drastic a term. A person's  
22 -- some persons' writings will change slightly in some forms  
23 over a span of years. Other persons, conversely, their writings  
24 remain unchanged for some years. Some persons' writings change  
25 drastically in a short period of time.

26 Q Did you make a test to determine whether Howard  
27 Hughes' handwriting had changed over his lifetime?

28 A I noticed some particular letter formations and

1 characteristics did change as time progressed, yes.

2 Q Will you tell us what that change was and during  
3 what period of time? If you want to refer to anything you have,  
4 again.

5 A Again, as I recall, the writings generally are  
6 consistent. The writings beginning -- and, again, it isn't  
7 possible to give an exact time, but generally around 1970 --  
8 and the writings thereafter showed a progressive tendency to  
9 have line breaks, separate letters one from the following  
10 letter, a difference in the attention to the base line of  
11 writings as a base reference point in putting the words on the  
12 paper. Letters in particular, such as the small letter p. The  
13 small letter p consistently, prior to approximately 1970, was  
14 almost always connected to the following letter.

15 MR. MENCHETTI: What --

16 THE WITNESS: Small letter p was almost consistently  
17 connected to the following letter prior to the 1970 writings  
18 or thereabouts. Thereafter, there was an increasing tendency  
19 to not only separate the two letter p's when appearing as  
20 double letters in a word, but also to break after the second  
21 p; but the general tendency was to connect the small letter p  
22 with the following letter. The same was true in the letter  
23 combination of i-n-g at the end of words. He rather  
24 consistently connected, that is, i-n-g all together prior to,  
25 say, 1970. The writings thereafter, there was a progressive  
26 tendency to sometimes break between the small n and the g and  
27 break quite often between the letter i and the preceeding word,  
28 the preceeding letter, rather.

1 Other than those, those were the primary things I  
2 observed in the writings of evolutionary nature.

3 Q Do you have any opinion as to the reason for that  
4 change or those changes?

5 A No, that would be beyond my area of expertise.

6 Q You say beyond your area of expertise; are you  
7 indicating this could be due to illness?

8 A There are many things it could be due to and,  
9 therefore, since it is not possible for me to say what they are,  
10 then I don't consider myself qualified to comment on it.

11 Q Well, do you know of any illness that could cause  
12 a change in writings, such as the ones you've described?

13 A Well, again, the variation from one person to  
14 another and how they react to illness or physical disability  
15 varies so considerably, I don't think any real generalities  
16 can be made. There have been many studies and papers written  
17 and, in essence, it boils down to anything that affects the  
18 mental and muscular coordination that goes into writings will,  
19 in some instances, at times, affect the writings; but the same  
20 individual perhaps could, with only a slightly different frame  
21 of mind, often after a good night's rest, perhaps not do the  
22 same things in the writings as the day before. There are too  
23 many variables involved.

24 Q Well, these reports and papers and studies, could  
25 you give us some of the names of these papers and studies made?

26 A They would be fairly numerous. I recall one that  
27 was done on the writings of aphasiacs, persons suffering from  
28 aphasia; writings performed by persons who were intoxicated.

1 These are topics people in the fields write papers on. There  
2 are a lot. Most of them say pretty much the same thing. There  
3 are a large number of things that can affect their mental,  
4 muscular coordination and they'll vary considerably from one  
5 person to another.

6 Q But you could not, of your own knowledge and  
7 expertise, make a determination as to whether a person that has  
8 written a certain document you are looking at was affected by  
9 a particular illness or disease?

10 A Diagnosis based on the writings? No, I could not  
11 do that.

12 Q Well, if you were to look at a particular writing  
13 and were comparing it to an exemplar, if that writing of the  
14 questioned document you were looking at was different, you could  
15 not tell, of your own knowledge and expertise, whether that  
16 person was affected by a disease or illness which would change  
17 his handwriting, could you?

18 A Again, I'm not sure I follow you in that. There are  
19 some instances that I have seen and writings I have examined  
20 where it was very obvious that the person had something wrong  
21 with them, that he was either totally inebriated or under the  
22 influence of narcotics because his writings were reduced to a  
23 scrawl. In those instances, yes, I'd say they could be. In  
24 other instances, no; it's not always possible.

25 Q So, there could be changes affected by an illness  
26 or disease that you could not -- you, personally -- could not  
27 tell whether the person who wrote the questioned documents is  
28 the same person who wrote the exemplars; is that correct?

1           A       I don't think it would be -- always be possible to  
2 tell whether the person was suffering from a particular illness  
3 by examining the writings, no.

4           Q       Let me rephrase it: Is it possible you could be  
5 looking at the questioned document and comparing it to an  
6 exemplar and reach a conclusion that a different person wrote  
7 the questioned document, but yet it may have been the same  
8 person suffering from some of these diseases or illnesses to  
9 affect his handwriting?

10          A       No, I don't think an examination of that type would  
11 result in a conclusive erroneous report. I would say more  
12 likely it would result in an inconclusive finding because,  
13 again, from experience, some handwriting characteristics in  
14 common will stay in that person's writings regardless of the  
15 effects and influences on him. I've seen this many times and  
16 most papers written bear this out. There will be some changes  
17 -- perhaps a lot of changes -- but there will still be many  
18 strong similarities in those writings so a positive, erroneous,  
19 non-identification is highly unlikely. I myself do not believe  
20 I could be involved in something of that type, no.

21          Q       Do you think it's possible for two experts in the  
22 same field as the questioned documents field to reach opposite  
23 conclusions on a particular questioned document?

24          MR. LILIENSTERN: I'll object to the question as being  
25 too general and calling for speculation on the part of the  
26 witness.

27          Q       BY MR. BLUMENFELD: That's fine; you may answer.

28          A       This has occurred on many occasions. Yes, there is

1 some --

2 Q Each one would have reached a conclusive opinion  
3 on the questioned documents?

4 A For various reasons, yes, that is correct.

5 Q Now, Mr. Lile, tell us each and every factor upon  
6 which you based your conclusion that Howard R. Hughes did not  
7 write the will?

8 A First of all, my examination of the questioned  
9 writings revealed every and all of the classic characteristics  
10 that are found in <sup>copied</sup> copy, or simulated, writings. There were very  
11 blunt beginning and ending strokes; the absence of smooth,  
12 <sup>tapering</sup> tippering lines, no free <sup>flowing</sup> flow, even quality, whatsoever to the  
13 writings; irregularities in the curving strokes; pen lifts in  
14 totally illogical places; retouches in the letters in totally  
15 illogical places; the poor quality of connecting strokes  
16 between letters. All of these things are the classic  
17 characteristics of copied, or simulated, forgeries and they are  
18 all present in these writings. This, in itself, led me to the  
19 conclusion that these writings are not the normal writings of  
20 whoever prepared them.

21 In examining the writings of Howard R. Hughes, the  
22 exemplar writings, I found these same basic letter formations  
23 in the Hughes writings but found the Hughes writings were  
24 typical, normal, free flowing, smooth handwriting, did not  
25 demonstrate that collection of characteristics which I have  
26 <sup>been</sup> known <sup>to be</sup> of to be taught, and verified myself <sup>to be present in</sup> are copied in or  
27 simulated writings. Additionally, I found letter formations  
28 present in the letters of the will that were foreign to the

1 writings of Howard R. Hughes, as shown in the exemplars. I  
2 found that certain letters, particularly letters which did not  
3 appear in the Life Magazine photograph of the "Chester and Bill"  
4 letter, those letters varied greatest in format from the  
5 writings of Howard Hughes, an indication that the person  
6 <sup>re</sup> preparing, or the persons preparing, the will did not have at  
7 their disposal writings as a model that contained all of the  
8 letters that were used in the will -- primarily capital letters,  
9 upper case letters.

10           There was a combination of differences noted in the  
11 writings when compared to the exemplar writings of Hughes and  
12 the classic characteristics of <sup>copied or</sup> popular simulated writings that  
13 led me to the conclusion, first of all, that those writings are  
14 attempts -- poor attempts -- to copy or simulate the writings  
15 of Howard R. Hughes and were not prepared by Howard R. Hughes.

16           Q       Now, as I understand your earlier testimony, you  
17 indicated that originally you had a photocopy of the three-page  
18 will; is that correct?

19           A       Yes, that's correct.

20           Q       And you examined that document?

21           A       No, I looked at it.

22           Q       You looked at it. Did you reach a conclusion at  
23 that time as to whether the document was written by Howard R.  
24 Hughes?

25           A       I did not even go into in-depth examination at that  
26 time. I waited for the original document.

27           Q       I understand that, but did you reach a tentative  
28 conclusion at that time?



1           A       No, I don't think I did, no tentative conclusion.  
2 I don't deal in tentative conclusions; I reach a conclusion or  
3 I do not.

4           Q       Well, you had the photocopy in your hand, you  
5 didn't say in your mind, "This obviously wasn't written by  
6 Howard R. Hughes"?

7           MR. MENCHETTI: Objection; asked and answered twice.

8           MR. FREESE: What was the answer? There is a clock  
9 ringing in my ear. I can't hear.

10          THE WITNESS: No, I don't recall that thought going  
11 through my mind at the time.

12          Q       BY MR. BLUMENFELD: Was there ever a time in your  
13 examination of the photocopy -- that is, prior to having the  
14 original of the will -- that you reached any tentative  
15 conclusion as to whether or not Howard Hughes wrote the will?

16          MR. MENCHETTI: Same objection.

17          THE WITNESS: Again, as I stated before, I don't deal in  
18 tentative conclusions. I don't recall saying to myself one way  
19 or the other ever.

20          Q       BY MR. BLUMENFELD: So, are you saying you never  
21 reached a tentative conclusion when you looked at the photocopy  
22 but not the original of the will?

23          MR. MENCHETTI: Same objection.

24          THE WITNESS: I don't recall looking that closely at the  
25 photocopy at all. When I received the documents from the  
26 State of Nevada and I opened the package and there were all  
27 these very poor photocopies, at that time I reached the  
28 conclusion no conclusion could be reached based on those

1 documents. That was when Mr. Greenhalgh was contacted and told  
2 he had to get the original document, which he did.

3 Q BY MR. BLUMENFELD: Did you look at the original  
4 of the will first?

5 A The original of the will was the one I first looked  
6 at closely.

7 Q After looking at this will, did you reach a  
8 determination -- the original of the will -- did you reach a  
9 determination this had the classic characteristics of a forgery?

10 A After examining it, yes.

11 Q And those are the characteristics you just mentioned  
12 the blunt beginnings and endings, no free flowing quality, and  
13 so forth?

14 A That's true.

15 Q About how much time did you spend reviewing the  
16 original of the will at that stage?

17 A I couldn't give you an exact time range. I would  
18 say that that particular phase of the examination probably  
19 lasted no more than a couple of hours or so.

20 Q Two hours?

21 A Or so; and, again, it's a very rough estimate.

22 Q Okay. Now, just focus on that two-hour period you  
23 reviewed the original of the will. Would you tell me each and  
24 every characteristic, other than the characteristics you  
25 mentioned, that you determined that this was a classic  
26 characteristic of a forgery? You mentioned blunt beginnings  
27 and endings, no free flowing, and certain other qualities.  
28 Were there any other things you noticed?

1 A Well, again, if I could refer to our notes.

2 Q Certainly. Refer to any of those reports.

3 A Here they are.

4 MR. FREESE: Off the record?

5 (Discussion off the record.)

6 Q BY MR. BLUMENFELD: I'll state the question and  
7 make it more clear. During this two-hour period you were  
8 reviewing the original of the will, you reached a determination  
9 that it contained the classic characteristics of a forgery.  
10 My question is: you mentioned certain characteristics earlier;  
11 were there any other characteristics that you noticed at that  
12 time?

13 A I don't really remember which ones in particular  
14 I mentioned earlier. The classics are well stated in all the  
15 books and all the texts, and they are generally borne out in  
16 copied or simulated forgeries; that is, poor line quality,  
17 illogical retouches, illogical pen lifts and breaks, blunt  
18 beginning and ending strokes, poor or lack of smooth flowing  
19 quality to the curving strokes, marked differences in the  
20 connecting strokes between letters -- that is, a copier or  
21 forger attempting to copy writings will be so attentive to the  
22 formations of the individual letters that they tend to relax on  
23 the strokes that connect the letters together, whereas the  
24 connecting strokes are themselves good, habitual characteristics  
25 of a normal writer. Those, and others -- and, again, if I were  
26 asked to sit down five times and catalog, I might leave one out  
27 and add one more in each instance.

28 Q So, at this point, if I understand your analysis of

1 the will, two hours, thereabouts, you concluded that the will  
2 was a forgery?

3 A That it was copied or simulated; that is correct.

4 Q I see. Okay, and then what was your next step?

5 A Next step was to look for the individual formations,  
6 letter formations; that is, in the questioned writings, in the  
7 will, that were foreign, different from the same letter  
8 formations in the writings of Howard Hughes.

9 Q Why was this necessary?

10 A It was necessary, again, in attempting to try to  
11 determine which, if any, of the exemplar writings served as  
12 the model.

13 Q I see. Let me just understand this thing: You  
14 determined by looking at the original, it was a forgery and your  
15 purpose at looking at exemplars was to see which ones served  
16 as model for the forgery?

17 A No, I'm sorry. The examination of the will was  
18 looking for the presence or absence of characteristics  
19 indicating that it was a <sup>copy</sup> or simulated forgery, and the  
20 examination of the exemplar writings occurred at or about the  
21 same time, that is, that the documents were side by side, and  
22 the examination was made by skipping back and forth between the  
23 two documents. It isn't a matter of just sitting down and  
24 looking at all of one document and looking at all of the other  
25 document. Some time is spent on each document; that is, a  
26 little bit of time is devoted to the questioned and genuine and  
27 you go back and forth at the same time.

28 Q Let's go back to your two-hour period; did you at

1 any time look at the original and the exemplars?

2 A I began by looking at the original of the will and  
3 I looked at the original of the will again. I gave me the  
4 general figure of two hours just going through cataloging this  
5 and that and the other thing, blunt ending strokes, the breaks  
6 in the letters, illogical retouches, all this sort of thing;  
7 and then, towards the end of that period -- there was no clean  
8 break when I switched over to the exemplar writings -- I went  
9 into that and continued the inter-comparison between the two.

10 Q But when you finished the first review of the will,  
11 at that time you determined it was a forgery?

12 A <sup>Capital</sup> Copy, or simulated forgeries; that is correct.

13 Q Now, you indicated that there were certain letters  
14 in the will which were foreign to Hughes' writing?

15 A The formations were different; that is correct.

16 Q Will you tell me which ones you were referring to?

17 A Capital letter E; capital letter J; portions of the  
18 capital letter O; capital letter p; portions of the capital  
19 letter S's; portions of the capital letter U; portions of the  
20 capital letter V; and portions of the capital letter W.

21 Q Anything else that you noticed that was foreign?

22 A This was the mere formation of the letters, the  
23 individual small differences that will result from a person  
24 trying to copy the writing. These were the letters formed  
25 differently, that is, as if the person preparing the will did  
26 not have a model of those particular letters to look at at the  
27 time they were made.

28 Q Now, can you tell me, with respect to the capital

1 letters in the portions of the capital letters you just  
2 referred to, how they were different?

3 A My notes show that the capital letter E, the lower  
4 loop is different; that is, the angle is different and the  
5 curving portion of it is different.

6 On the capital letter J, the initial stroke on the  
7 upper portion of the J and the portion of the upper part of the  
8 J where the line curves or returns back downwards; the general  
9 oval formation of the capital letter O's, the O is elongated  
10 in a different fashion; the shape and configuration of the round  
11 portion on the capital letter P, as well as the angle at which  
12 that line crosses the vertical stroke; the formation of the  
13 upper right portion of the capital letter S, as well as the  
14 looping formation at the end of the letter S; the angular  
15 nature of the upper left area and the lower left area of the  
16 letter U; the formation of the initial curving stroke in the  
17 letter V -- that is, the upper case V; and the angular direction,  
18 that is, the lower left portion of the letter V and the upper  
19 case letter W. The lower left rounded portion is shaped  
20 differently, as well as the stroke between the two round  
21 portions, which is considerably lower than the writings of  
22 Hughes.

23 Q Were there any others that you found that were  
24 foreign to the exemplars or known writings?

25 A Those are the only ones I have in my notes for the  
26 entire -- where the entire formation was different. Other  
27 letters varied slightly in portions.

28 Q So, if I understand you, with respect to the letters

1 you just mentioned, the capitals and portions of the letters,  
2 you found no letters similarly written in the exemplars?

3 A No, they were in portions of the exemplars: these  
4 were the letters not in the "Chester and Bill" letter in the  
5 Life Magazine. They were the ones that varied most in the  
6 questioned writings from the exemplar writings. I don't know  
7 if I'm making myself clear.

8 My attempt was to determine: was this publicly  
9 available photograph of the "Chester and Bill" letter the model  
10 for the will itself?

11 In examining the "Chester and Bill" letter, I  
12 noticed, and again in cataloging, certain letters did not  
13 appear in that photograph.

14 Q That is these letters you mentioned?

15 A Many of these same letters were the ones that  
16 varied most dramatically from the exemplar writings of Howard  
17 Hughes.

18 Q Let me ask you a question; maybe we can work out  
19 an agreement. Do I understand you to say that the letters,  
20 capital letters, and portions of the capital letters you just  
21 mentioned that you found none of the letters similarly written  
22 in the exemplars that were written in the will?

23 A Those are the ones that varied most dramatically  
24 between the exemplar and the questioned writings, yes.

25 Q But -- let me rephrase --

26 A The letters themselves are there for comparison.  
27 There are P's in the questioned writings and there are P's in  
28 the exemplar writings, and they are there for comparison; but

1 the letters that I have listed there are the ones that varied  
2 most dramatically in their shape between questioned and  
3 genuine.

4 Q Did you find any capital P in the exemplar or any  
5 of the exemplars that did not vary from a capital P in the will?

6 MR. MENCHETTI: If you want to review those exemplars,  
7 you're sure allowed to do so.

8 THE WITNESS: They are so lengthy. Again, my notes  
9 reflect I picked out these particular letters. Since I did  
10 pick those particular letters, it would indicate to me that  
11 this formation that appeared in the will was a characteristic  
12 different formation than the range of variation of that same  
13 letter in the exemplar writings.

14 Q BY MR. BLUMENFELD: That is what I'm trying to get  
15 at; didn't know how to go about it.

16 A Didn't know how to answer the question either.

17 Q That would be true with respect to all of the  
18 capital letters you mentioned right now?

19 A Yes.

20 Q Now, were there any other differences in letters in  
21 the will that you noticed as compared to the exemplars, similar  
22 letters in the exemplars?

23 A Do you want to catalog them again?

24 Q Yes, please.

25 A They varied from one place to another in which they  
26 appeared in each document. In the three-page will the same  
27 letter will appear many times. The same letter, although  
28 written very, very similarly, in each instance in the will,



1 which again is a good indication a single model was used, will  
2 vary a little bit; that is, as a general example, a small letter  
3 t in one place in the will might be slightly different from  
4 another small letter t in the will but in both instances differ  
5 from the --

6 Q You found --

7 A -- several --

8 Q -- as far as the small letter t --

9 A No, no. The t was just chosen as a hypothetical  
10 example. I'm not talking about the letter t.

11 Q I would like to go through the letters you did  
12 notice that were different.

13 A Beginning with the inner envelope, the formation  
14 in the word dear, the formation of the final letter r varies  
15 considerably from the exemplars and the word mister.

16 Q Would you tell us how it differs, as you go through  
17 them?

18 A It differs in that the shoulders are very squared  
19 and the upper left peak is higher than the right shoulder.

20 Q That's on the envelope as compared to the --

21 A To the exemplars.

22 Q Okay.

23 A The upper case M in Mr. -- in fact, the upper case  
24 M's <sup>are</sup> fairly consistently <sup>by</sup> throughout the will and the envelope,  
25 the bottom portions form a slanting angle, that is, from upper  
26 left to lower right, whereas they are rather consistently level  
27 in exemplar writings -- no, I'm sorry; I reversed myself. It  
28 was the exemplar M's <sup>that</sup> are written at a slight angle to the right.

1 from upper left to lower right, whereas the questioned M's,  
2 the ones in the will and the ones on the inner envelope, are  
3 rather level across the bottom.

4 MR. MENCHETTI: The record should reflect the witness's  
5 referring to his notes, which are marked Exhibit 9a through m,  
6 in answering those questions.

7 MR. BLUMENFELD: Fine; and it also should be noted the  
8 witness can refer to anything he wants to in answering the  
9 questions. You're not restricted, except by notes.

10 THE WITNESS: I found that the lower right portion of the  
11 small letter g is different considerably.

12 As I previously stated, the small letter p's --

13 Q Going back to the small letter g, how did it differ?

14 A The line forming the final portion of the letter  
15 dropped almost vertically to the base line of writing.

16 The small letter p, as I stated before, is always  
17 disconnected from the following letter.

18 Q Now, when you say letter p, what are you referring  
19 to?

20 A Small --

21 Q Exemplar or --

22 A The questioned. I'm talking entirely about the  
23 questioned in comparing with the exemplars.

24 The questioned writings consistently, the upper  
25 portions of the letter a's have the small oval loop, whereas in  
26 the exemplar writings there was considerable variation; the loop  
27 was not always present.

28 In the lower case h, the lower case h's are

1 considerably more angular, lower right portions than in the  
2 exemplar writings.

3 The relative height of the upper staff of the small  
4 letter d varies considerably from the exemplar writings.

5 On the upper case C, the shape and configuration of  
6 the loop at the upper portion varies considerably from the  
7 exemplars.

8 In the questioned writings the final letter t has  
9 been made to have the appearance of being rapidly drawn; that  
10 is, that the t crosses across without the writer having lifted  
11 the pen from the paper. In fact, a close examination will show  
12 there are numerous retouches in that area. The angles resulting  
13 are not conducive to a rapid single stroke crossing. This was  
14 also noted in the words such as the word to -- t-o -- that ends  
15 in o. The final stroke on the o was made to have the appearance,  
16 through rapidity, of being connected to the cross stroke on the  
17 t. There are actually pen lifts and retouches in those portions;  
18 also irregularities in the quality of the lines.

19 I noticed a general pattern of misspellings both in  
20 the questioned and in the exemplars. However, perhaps of  
21 significance in the questioned writings the word Vegas is  
22 misspelled -- V-a-g-a-s; and, again, the two a's have the same  
23 consistent, rounded loops at the tops, whereas in the exemplar  
24 writings there is no true consistency in those loops.

25 The capital letter M, lower left portion, is  
26 exaggerated and considerably longer than the same portion in  
27 the exemplar writings.

28 The connecting strokes between the e and the v in

1 words such as Nevada has a different formation than the  
2 exemplar writings.

3 Q How is that different?

4 A Differs in that it is much more rounded in the  
5 questioned writings as it rises back into a full curving motion.

6 Various h's in the signature, Howard R. Hughes, the  
7 initial portions of the capital letter, that is, the first loop,  
8 the configuration is different. It is not the same shape as  
9 the corresponding portion of the exemplar writings.

10 Q What is the difference in the configuration of the  
11 loop?

12 A The configuration is that the loops are more  
13 flattened out in the questioned writings, and they are rather  
14 consistent.

15 In the exemplar, that particular portion of the  
16 letter h varies considerably from one signature to another.  
17 You see none of that variation in the signatures on the inner  
18 envelope and the three-page will. The letter h, in some  
19 instances also, the curving stroke, that is, the first down-  
20 ward stroke, the vertical stroke, the curve is much too shallow.  
21 The curve is considerably deeper, it is more concave, on the  
22 exemplar writings.

23 On the lower case g, the lower case g's in the  
24 exemplar writings, the upper portion is too consistent; that is,  
25 it is always shaped in the same fashion whereas there is  
26 considerable variation in the way it's shaped in the exemplar  
27 writings.  
28

1           The small letter p's again: small letter p's in  
2 the questioned writings are always two strokes, one downward  
3 stroke and one curving stroke, to finish the letter. In  
4 the exemplar writings, particularly in the roughly 1960  
5 exemplar writings, frequently the p is connected and is  
6 not two strokes, as well as being connected to the following  
7 letter.

8           As I mentioned before<sup>4</sup>, the small letters i-n-g  
9 combinations, in the questioned writings, the i and the  
10 n are always separated from the g; whereas in the exemplar  
11 writings, they are more often connected rather than dis-  
12 connected, particularly in the pre-1970 writings.

13           In many instances, the ending stroke on the  
14 small letter d ends in the wrong direction; that is, in  
15 many instances it ends almost directly downward rather than  
16 having any curve to it. In the exemplar writings, frequently  
17 it has a curve to the small letter d when it comes to the  
18 end of the word.

19           Most of the connecting strokes between the  
20 letters have the wrong shape. Sometimes there is no  
21 particular pattern to them. Sometimes they are, the curve,  
22 is too shallow; sometimes it is too angular. It doesn't  
23 have the same configuration that the corresponding  
24 connecting strokes in the exemplars have, and these are  
25 the strokes between almost any two letters in the questioned  
26 writings.

27           Q       Would that be the extent of the factors you relied  
28 on in reaching your conclusion?

1           A       After finding ~~this~~<sup>these</sup> many significant differences,  
2 I had made my own mind up they were not -- that the questioned  
3 writings were not prepared by Howard R. Hughes.

4           Q       Of course, you made up your mind after looking at  
5 the original of the will?

6           A       The original of the will itself and comparing it  
7 with the exemplars.

8           Q       You made up your mind by comparing --

9           A       It.

10          MR. FREESE: I don't think it was responsive. I think  
11 you were speaking too rapidly. I move to strike his answer.  
12 I believe it's non-responsive.

13          THE WITNESS: I must have misunderstood the question.

14          Q       BY MR. BLUMENFELD: When you were looking at the  
15 original of the will that we were talking about the first two  
16 hours, you had at that point, after two hours, concluded, or  
17 shortly after you looked at the original of the will, you  
18 concluded that it contained the classic characteristics of a  
19 forgery and was in fact a forgery?

20          A       That's correct.

21          MR. BLUMENFELD: Now, Paul, I think we're going to have a  
22 problem if we don't mark these exhibits. We'll have to break  
23 and mark these exhibits; break for lunch and come back. We have  
24 too many exhibits that have not been marked.

25          MR. FREESE: We have to introduce and mark some of these  
26 exhibits now. The Voluntary Statement, which exhibit number is  
27 that?

28          MR. MENCHETTI: 2a through f.

1 MR. BLUMENFELD: Let's mark these.

2 (Three documents were marked by the notary  
3 public as Proponent's Exhibits 6, 7, and  
4 for identification.)

5 (Lunch recess.)  
6  
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1 JULY 8, 1977, 2:00 P.M.

2 (Documents were marked by the notary  
3 public as Proponent's Exhibits 11a through  
4 11eeee, with 11yy omitted, for identification.)

5 MR. BLUMENFELD: Back on the record.

6 Q BY MR. BLUMENFELD: Mr. Lile, I'm going to hand you  
7 the exhibits which have been marked by the reporter 11a through  
8 11eeee, with 11yy omitted, and ask you if these are photocopies  
9 of the exemplars you used in your analysis of this case?

10 A It will take me awhile to side-by-side compare with  
11 my photographs.

12 MR. LILIENSTERN: Why not go off the record?

13 MR. BLUMENFELD: Okay.

14 (Discussion off the record.)

15 MR. FREESE: On the record.

16 We can stipulate that just before we started  
17 resumption of the interrogation the reporter, Ms. Verodi, and I  
18 went through the photographs as collected in the file and  
19 produced by Mr. Lile. We determined that your secretary,  
20 Mr. Blumenfeld, made a photocopy of each of those photographs.  
21 We further determined that each photograph was matched by a  
22 photocopy, and the reporter was instructed to put a letter  
23 designation in the lower right-hand corner, starting with 11a,  
24 and it has been done.

25 MR. MENCHETTI: What is the last one?

26 MR. FREESE: 11 with four small e's. We can jointly  
27 represent and have verified it is the reproduction of the  
28 collection of exemplars produced in the photographic form; that



1 is, produced here by Mr. Lile.

2 MR. BLUMENFELD: With one qualification: 11 double y.  
3 There is no exhibit 11 double y.

4 MR. FREESE: Was that a clerical error?

5 THE REPORTER: Yes, sir.

6 MR. MENCHETTI: With that statement, I think the witness,  
7 relying on Mr. Freese's representation --

8 MR. FREESE: And the reporter's.

9 MR. MENCHETTI: -- and the reporter's, will so stipulate.

10 Q BY MR. BLUMENFELD: Now, Mr. Lile, in the exemplars  
11 that you have here, I showed you an exhibit, which was called  
12 the Eckersley memo, and that is Exhibit 10, would you tell us  
13 whether, contained in your exemplars, you have that Exhibit  
14 Number 10?

15 MR. FREESE: Can we all take a minute?

16 MR. BLUMENFELD: Off the record.

17 (Discussion off the record.)

18 THE WITNESS: I don't remember this one; no, I don't.

19 Q BY MR. BLUMENFELD: Now, were there any other  
20 documents that you reviewed, other than the documents that were  
21 contained in your file which were photocopies designated 11a  
22 to 11e that you reviewed in this case?

23 A To the best of my knowledge, everything that I saw  
24 was photographed and contained in that folder: the laboratory  
25 report, the earliest list, all the exemplar items I have. It's  
26 my belief that photographs of all those items are in that  
27 folder, yes.

28 Q Do we have a copy of that report?

1 A Yes, that's the earliest dated report.

2 Q Now, just before lunch you indicated that you  
3 noticed a general pattern of misspelling in both the will and  
4 the exemplars?

5 A Yes, that's correct.

6 Q Did these misspellings have, in your mind, any  
7 significance in your conclusion that the will was not written  
8 by Howard Hughes?

9 A No, it was merely an observation.

10 Q You did notice the word Vagas was misspelled?

11 A Yes.

12 Q Was that significant?

13 A Not on the determination based on the handwriting.  
14 It had a curiosity type significance; no bearing on the findings.

15 Q Did you review the contents of the will, aside from  
16 the handwriting?

17 A As a matter of fact, I don't believe I ever actually  
18 sat down and read through the entire will. I've looked at it  
19 letter by letter, word by word but not actually sat down and  
20 read the entire will.

21 Q Did the contents have any significance to you, that  
22 you did read?

23 A That came to mind, no. As I said, I don't recall  
24 reading the entire will; but the parts I can recall, no, sir.

25 Q Now, in the will you indicated earlier that you  
26 noticed classic characteristics of a forgery when you reviewed  
27 the will, the original of the will?

28 A <sup>AY</sup> simulated, or copied, <sup>Y</sup> the forgery; that is correct.

1 Q Is that different than classic characteristics?

2 A There are many different types of forgeries. This  
3 is merely one type of forgery.

4 Q Did you notice any tremblings in the will, some-  
5 times called tremors?

6 A Not in the way that I have seen them in other  
7 writings; that is, the writings of the extremely infirm or  
8 elderly or, as I said before, persons that are under the  
9 influence of alcohol or drugs. Perhaps not that type of tremor.  
10 I recall the wavering of line tremor in portions of the  
11 writings where they are usually found in copied or simulated  
12 forgeries -- that is, in the round curved letters and in the  
13 connecting strokes; but they are more along the lines of being  
14 poor-line quality rather than just tremor, hand tremor.

15 Q Are you saying that the only tremor that you noticed  
16 was in the round curve of the letters?

17 A No, I'm saying that I didn't notice any particular  
18 portions of those writings that I would characterize as being  
19 the result of tremor. I saw poor-line quality; and, by poor-line  
20 quality, I mean they lack a smooth flowing formation, as normal  
21 writings do, and they appeared in those round curved areas where  
22 you would expect them.

23 Q Maybe you should define tremor. How would you  
24 define tremor?

25 A Tremor, as I've encountered in the extremely elderly  
26 or infirm, are usually pretty much uniform throughout the  
27 writings and are not limited to any particular portions of the  
28 writings; that is, the tremor could be on a vertical stroke as

1 well as on rounded strokes. In this particular instance, the  
2 poor-line quality occurred in the rounded strokes and the  
3 connecting strokes almost exclusively.

4 Q Are you saying poor-line as you described it is a  
5 substitute for the word tremor or --

6 A Poor-line tremor is the result of slowly drawing a  
7 writing instrument down the writing page instead of writing  
8 smoothly and flowing. Moving slowly -- by moving slowly, the  
9 line tends to waver, and wavering is differentiated from a hand  
10 tremor in most instances.

11 Q I see. So that wavering is what you're talking  
12 about, and that was at the rounded part of the letters?

13 A Primarily.

14 Q And the connections of the letters?

15 A Primarily, yes.

16 Q Did you notice any difference between the capital  
17 f's of the will and the exemplars that you used?

18 A I'll have to consult my notes.

19 Q Please do.

20 A No, I have no mention in my notes about anything  
21 unusual about the letter f -- that is, the upper case f.

22 Q Now, earlier you indicated that hand lifts and  
23 retouching occurred in portions of the will. Where did these  
24 pen lifts and retouching occur?

25 A They occurred sporadically throughout the entire  
26 document. I don't have notes of every instance. I mentioned  
27 one earlier as an example. The so-called rapid t-crossing from  
28 the final stroke on the word is extended back around to the left

1 and then connects across to form the t-crossing. In several  
2 instances, although the line had the appearance of being a  
3 rapid-t crossing, in fact the line stopped, pen lifted and  
4 reapplied to the paper. The line continued -- in some instances  
5 the t had been crossed and then a separate line had been drawn  
6 to connect the ending stroke on the o with the t-crossing stroke  
7 on the t; and this would be the best, clearest, example of what  
8 I'm talking about, but it occurred numerous times throughout  
9 the document.

10 Q When you say clear example of what you're talking  
11 about, the two different things, pen lifts and retouching, are  
12 you saying it's a combination of both?

13 A Yes, a combination of both.

14 Q Were there any other places of significance to you?

15 A Well, every time it occurs it's of significance to  
16 me; and the fact I find it repeated over and over and over,  
17 finally becomes sufficiently significant I no longer go through  
18 and catalog and plot out every single one I find.

19 Q Do your notes, which are Exhibit 9, do they  
20 contain indications of where these pen lifts and retouchings  
21 occurred?

22 A In some instances, yes.

23 Q But you say you found others you didn't indicate?

24 A Right; I do not -- once I have found a sufficient  
25 quantity to satisfy myself, I no longer go through and plot the  
26 characteristics out or the pen lifts or the waverings or that  
27 sort of thing.

28 Q In your analysis of the exemplars, did you find

1 pen lifts and retouchings?

2 A Yes, pen lifts and retouchings, but in a different  
3 fashion.

4 Q How was that different?

5 A Retouchings in normal writings almost always occur  
6 in portions of the letters to add legibility and they are not  
7 illogical retouching; they are logical. For instance, a person  
8 makes a small letter o. Instead of closing the top of the o,  
9 they leave it open. Thinking perhaps there will be a misconception

10 <sup>that</sup> this will be a letter <sup>o, y, u or</sup> you add a stroke to <sup>it</sup> to show it's an o.

11 This is logical retouching and you will find that type of  
12 retouching in the normal writings of many people. The illogical  
13 retouchings are the types I described before: an extra line  
14 added to connect an o to the t, <sup>yt</sup> retouching to make it appear to  
15 be a continuous stroke.

16 Q Did you examine the capital letter d in the will  
17 and the exemplars?

18 A I am sure I examined every single letter.

19 Q Did you reach any conclusion with respect to the  
20 capital letter d?

21 A In the will?

22 Q In the will and the exemplars?

23 A Along with the rest of the document, I attempted  
24 to copy, or simulate, the writing of Howard R. Hughes.

25 Q As to the capital letter d, what was your  
26 conclusion with respect to the way it was written as opposed to  
27 the exemplars?

28 A I found the capital letter d is one of the letters

1 that varies in the exemplars. That is, some persons will vary  
2 considerably in their letter formations; some persons will not.  
3 Some persons will vary in the formations of a few letters but  
4 not much in others, and the letter d is one of the letters in  
5 the exemplars that does show variation.

6 Q Earlier, when you were going through the various  
7 letters that you found, comparing them to the will, comparing  
8 the will to the exemplars, you did not mention the capital  
9 letter d, or else I missed it.

10 A No, I did not.

11 MR. MENCHETTI: That's correct, Counsel. I think his  
12 testimony was he was pointing out the most dramatic differences;  
13 these were the ones most obvious.

14 MR. BLUMENFELD: The record will show what it was.

15 MR. MENCHETTI: I'm trying to correct what I think was  
16 your misconception of his testimony.

17 MR. BLUMENFELD: I'm going to ask him if that's correct;  
18 then he can correct me.

19 MR. LILIENSTERN: Let me, if I may? Let me interject  
20 what I think he was saying. He was talking about --

21 MR. BLUMENFELD: If you don't mind, the record will reflect  
22 what he says. I'll ask him the questions. If he wants to  
23 correct me, he will.

24 MR. LILIENSTERN: Why not ask questions anew rather than  
25 characterizing his testimony?

26 Q BY MR. BLUMENFELD: Mr. Lile, earlier you gave us  
27 a list, stated a list of letters that you found in the will  
28 which were different in terms of configuration to those of the

1 exemplars; is that correct?

2 A Listed and went over several letters that varied  
3 considerably; that is, they were foreign formations. They were  
4 not the same formation as the corresponding letters in the  
5 exemplars. The remaining letters, by their omission, were not  
6 totally foreign. They were within the same range and shape,  
7 and I did not believe it was necessary to list all of the  
8 remaining letters. I did not list or catalog them in my notes  
9 for that reason. If they fell within the range of variation of  
10 shape that the exemplars showed was the normal variation of that  
11 writer, then I did not attach any great significance to any  
12 differences in shape because shape was, for the most part, the  
13 same.

14 Q I see. So, am I to understand that, except for  
15 those letters you did in fact indicate earlier, all other  
16 letters in the alphabet that were in the will were similar in  
17 shape or came within the variance of configuration of the  
18 exemplars?

19 A Yes, that's correct.

20 Q Now, from your testimony, I gather that there was  
21 something other than the shape of the letter that was signifi-  
22 cant to you in reaching your conclusion?

23 A That's correct.

24 Q Now, what I would like to know is everything that  
25 you considered in reaching your conclusion that the will was not  
26 written by Howard Hughes?

27 A I believe I then, thereafter, went through several  
28 other letters, pointing out differences in formation. Those



1 constituted the types of characteristics I was discussing, the  
2 types of characteristics I took into consideration. Again, I  
3 did not catalog every single letter in the alphabet but, in  
4 each instance, there were slight variations or differences in  
5 configuration rather than in formation. By this, I mean that,  
6 although, for instance, the -- as an example, hypothetical  
7 example, the small letter p, whereas the general configuration  
8 perhaps is the same, that is, in some instances it was a two-  
9 stroke p, a straight, downward, vertical stroke and then like  
10 a reverse small letter c up at the top of it. That is the shape  
11 The differences would come in the small particulars; that is,  
12 pen lifts as the pen trailed from the paper at the end, or the  
13 difference would be in the general roundness to the upper  
14 portion or perhaps elongated style; that is, the configuration  
15 was different even though the general formation was the same.

16 Q But the configuration, the variation in the  
17 configuration, you already told us about that; correct?

18 A We went through several of those, yes.

19 Q Were there any others other than the ones that you  
20 have given us that you noticed?

21 A Well, again, I don't catalog all of them. I go  
22 through the document itself; I examine the document; I make  
23 such notes to myself to --

24 Q Just one second. It's very, very difficult --

25 A I go through and I catalog and put into my notes  
26 the first few that I find. Once I have reached or found a  
27 sufficient quantity of them that I have satisfied myself that  
28 I have the basis for my conclusion, I no longer catalog them and

1 list them and mark them all down in my work sheets. It's  
2 needless and time-consuming. Once the decision is reached,  
3 there is no need to make further notes as such. The notes are  
4 for a progressive progress at the various stages of the  
5 examination up to the time when I reach the conclusion.

6 Q Now, which decision are you referring to? You say  
7 once the decision is reached?

8 A Well, depends on what I'm talking about. If I'm  
9 talking about the tremor -- not the tremor, the poor-line  
10 quality, pen lifts, the characteristics of the simulated  
11 forgery, I would go through those characteristics up to a point;  
12 then stop. Once I've satisfied myself it is or is not a copied  
13 or simulated forgery, when it becomes a matter of identity of  
14 the writer or non-identity of the writer, I would begin looking  
15 for a different type of characteristic, and that is similarities  
16 or differences in configuration or letter formation or relative  
17 heights of the letters or connecting strokes of the letters,  
18 that sort of thing.

19 Q I see. Now, are you saying that you went through  
20 the configuration and shape of various letters in the will  
21 compared to the exemplars and reached a point where you said  
22 clearly, "this is a forgery; I don't have to do that any more"?

23 A I don't have to go on writing them in my notes; I  
24 continued looking at them.

25 Q Can you tell us any other letters, then, that you  
26 looked at or recall looking at in your analysis that you reached  
27 the same conclusion with respect to?

28 A I thought that's what I did this morning. I went

1 through a long listing of them.

2 Q Those are the only letters?

3 A No, those are the only ones I put down in my notes.  
4 By the time I had found that many, I was sufficiently convinced  
5 in my own mind there were significant differences between those  
6 writings, indicating different authors.

7 Q Now, I don't want to belabor my point. I want it  
8 for myself. I want to know whether there was anything else you  
9 considered in reaching your conclusion the will was not written  
10 by Howard Hughes?

11 A Again, let me go through my notes and let me make  
12 sure I'm not omitting something.

13 As my notes show, I noted several things. Some of  
14 these things I considered significant, others of no great  
15 significance, as far as identity. For instance, my note reflects  
16 I saw in the questioned writings -- that is, in the will -- the  
17 writer or writers used dashes extensively at the ends of the  
18 lines rather than periods; as I mentioned, the discontinued  
19 p's; I did note the misspellings.

20 Q But this had no significance?

21 A No great -- the disconnected p had significance;  
22 the remainder of them had no great significance to me, at least  
23 relating to my findings, that is, my final conclusions.

24 Q You mean the use of the dash instead of a period?

25 A Use of the dash is -- well, I would say it's more  
26 along the lines of a habit of a typist. Some typists habitually  
27 leave three spaces between the period and the beginning of the  
28 next sentence as a matter of <sup>training</sup> habit and not as a matter of <sup>unconscious</sup> habit,

As it's been proved in characteristics of writings, some persons this would be a strong habit; others not a strong habit.

Based on these limited writings, three pages, I don't know if these dashes are a true habit or not. I don't know if those dashes would be characteristic of the person or persons who actually prepared the will. They are there; I made note of it; I took note of the fact they were there, but as far as attaching significance for identification, or lack of significance to me, it wasn't of great significance, no.

Q That is for identification; but did you compare it to the exemplars to see whether or not they were also present in the exemplars?

A I looked through the exemplars and found the dashes were not used to the extent they were in the will, yes.

Q When you say, "to the extent," you mean on a percentage basis?

A In the will almost every line, as I recall, ends with a dash. Occasionally, in the exemplar writings, you will find use of dashes, not to the same degree or extent of --

Q But --

A Again, I made note of the fact that in the exemplar writings, particularly in the earlier writings, the writer pays particular attention to the straight line of the margin but in some of the other exemplar writings it was less noticeable. To this, I could not attach any strong significance but it was worth noting, whereas in the questioned writings, the will, there wasn't much attention paid to the left margin; that is, it varied considerably. It was not in a straight line as it was in

1 many of the exemplars.

2 I did notice in the upper case letter b -- that is,  
3 capital B -- in the questioned document, the writer had a  
4 tendency to make the lower loop larger in extending it to the  
5 right, whereas in the exemplar the upper loop and lower loop  
6 are fairly consistently in a straight line, equal projection to  
7 the right-hand side.

8 Other than that, to the best of my recollection and  
9 review of my notes, I can think of no other significant  
10 influences.

11 Q Now, going back to the capital d for a moment; you  
12 did indicate that the capital d in the will was different than  
13 the capital d in the exemplar. Can you tell us what those  
14 differences were?

15 A Capital d?

16 Q Yes.

17 A I don't believe I said the d was different between  
18 the will and the exemplar. I said the capital letter d showed  
19 a pretty wide range of variation in the exemplar writings and  
20 the same formation in the, or a similar formation, in the will --  
21 fall within that range.

22 Q , I see. Okay.

23 Now, you reviewed the original of the will to  
24 determine that initially it was or had the classical signs of  
25 a forgery -- and correct me if I misstate your testimony; I  
26 don't mean to. I just want to get to the question. It contained  
27 classical characteristics --

28 A Of a copied or simulated forgery.

1 Q Of a copied or simulated forgery.

2 You looked at the exemplars. Now your purpose in  
3 looking at the exemplars was to see if it was a same writer?

4 A To see if there were characteristics in the questioned  
5 writings <sup>in my</sup> and the will that were not in the range of writings of  
6 the writers of the exemplars. That is, there are habitual  
7 differences.

8 Q So, your purpose was to see if it was a negative-  
9 negative?

10 A One way or the other; consistencies or similarities  
11 and differences. It's the presence of differences that  
12 constitute a non-identification.

13 Q Why don't you, for purposes of the record, define  
14 forgery?

15 A In the broad definition, that is any writings  
16 prepared for the purpose of fraud. This would include writings  
17 prepared by a person, including their own name, for the purpose  
18 of fraud, that is, to later disavow that signature. Even though  
19 that signature is written by that person, it is his own name,  
20 that could constitute forgery, in my definition.

21 Under that definition, then, a copied or simulated  
22 forgery could be prepared by the real person, that is, the  
23 actual person for purposes of fraud. This is a thought that is  
24 constantly in the minds of questioned document examiners when  
25 dealing with copied or simulated writings. We have a term,  
26 auto-forgery, and it's for this reason it was important to <sup>it</sup> not  
27 only first determine that these writings were or were not the  
28 normal writings of the person, and I determined they were not.

1 They were copied or a simulated forgery; and, secondly, whether  
2 they were or were not prepared by the writer of the exemplars,  
3 Howard R. Hughes.

4 MR. MENCHETTI: Does that help you? -- I mean, in the  
5 sense of understanding the testimony of the witness?

6 Q BY MR. BLUMENFELD: Now, Mr. Life, will you please  
7 tell me the total time that you spent in your examination in  
8 reaching your conclusion, and if you can break it down --

9 A I can give you a very rough estimate. First of all,  
10 the time was not spent at one sitting; that is, it was not  
11 continuous. I had other matters at the same time. In some  
12 instances I could perform no examinations but I had to wait for  
13 more exemplars before I could perform the remainder of the  
14 examinations; so the total examinations stretched out over a  
15 period of several months and, actually, the total working time  
16 would have been probably only several days as opposed to the  
17 several months that entire time period covered.

18 Q Several days? Are you talking about ten, fourteen,  
19 fifteen hours total?

20 A No, the majority of working time would be eight to  
21 ten hours a day for each of several days. As far as number of  
22 days, I could not give you a specific number.

23 Q Let's take an outside --

24 A Well, I worked on it fairly regularly for a couple  
25 of weeks.

26 Q Several days? Are you talking about five days,  
27 six days?

28 A Again, I don't want to get pinned down to a specific

1 number of days. I really don't know. I do know the span was  
2 over approximately three months. I worked on it off and on,  
3 at one time, on a particular angle of it while I was waiting for  
4 the additional exemplars to come in. The exemplars would come  
5 in, I'd examine the exemplars, and then wait a little bit longer  
6 so it was a kind of stop-and-go situation, which makes it  
7 difficult to give an estimate of time. Several days is the best  
8 I can do. I would say several days; possibly as much as the  
9 majority of my time for, say, two weeks or so.

10 Q Okay, and how much of that time was spent on analysis  
11 of a physical evidence?

12 A Analysis of physical evidence? A large portion; a  
13 large portion.

14 Q What percentage?

15 A Again --

16 Q Approximately, a range.

17 A I didn't take notes at the time to indicate how  
18 much time I was spending; and anything I gave you would be a  
19 very broad -- very broad -- estimate, and I'm afraid it might  
20 be misleading because I don't recall specifically.

21 Q You said a large portion; is it a range of 20 to  
22 40 percent, 50 to 60 percent?

23 A Well, percentages and hours, we're still dealing  
24 with specifics and I'm trying to avoid specifics. I don't  
25 really know. I would say the majority of my time is the best I  
26 can phrase it.

27 Q On the physical evidence?

28 A Majority was on physical evidence, although a



1 considerable time was spent on the handwriting.

2 Q Now, I want to get back to that definition of a  
3 forgery for a moment. Are you saying that your definition of  
4 a forgery is where the document itself is either written --  
5 withdraw that -- that the document is intended to mislead  
6 someone into thinking that was done by someone else or that  
7 person that was writing from a different hand?

8 A If there was any intent of fraud for any purpose,  
9 whether it would mislead someone into thinking that the docu-  
10 ment purports to be the writings of one person and was in fact  
11 the writings of the other, or whether in fact in <sup>the</sup> instance  
12 <sup>they</sup> of writings <sup>were</sup> whether prepared by a person who later discounts  
13 those writings <sup>as</sup> <sup>if</sup> from being his own.

14 Q In other words, make it appear as if it was some-  
15 one else's writing other than his?

16 A Correct, but it would not be done so blatantly so  
17 as to disguise and change and distort; it would be done  
18 <sup>subtly</sup> absolutely in such a fashion to give the rough appearance of  
19 being the writings of this person but, on close inspection, the  
20 <sup>reader</sup> <sup>that is</sup> person would know, <sup>it</sup> it would be readily detected as a simulated  
21 forgery, copied or simulated forgery.. This is encountered  
22 frequently in law enforcement work.

23 Q Do you know Mr. Shaneyfelt?

24 A Yes, I do.

25 Q How long have you known Mr. Shaneyfelt?

26 A Since approximately 1960.

27 Q In what capacity do you know him?

28 A As a personal friend and as a business associate --

1 S-h-a-n-e-y-f-e-l-t.

2 Q How long have you been a personal friend of  
3 Mr. Shaneyfelt's?

4 A Since approximately 1960.

5 Q Is that when you first met him?

6 A I've had a close association with him for several  
7 years beginning about that time. Socially, we aren't that well  
8 associated. Socially, outside of work, I don't see him  
9 frequently, perhaps once a year, since his retirement.

10 Q Have you ever talked about this case to  
11 Mr. Shaneyfelt?

12 A I spoke with Mr. Shaneyfelt about the case, I can't  
13 recall the first time. I heard Mr. Shaneyfelt, rather, speak  
14 about the case; but I have spoken with him about it, yes, in  
15 general terms.

16 Q Would you tell me when and where this occurred,  
17 these conversations?

18 A Well, I can't recall the specifics.

19 Q Just when and where first?

20 A They were in the Washington, D.C. area, Washington,  
21 D.C. in general; they were telephonic conversations.

22 Q And did you originate the telephone calls or did he?

23 A He did in each instance.

24 Q Do you recall approximately how many calls these  
25 were?

26 A No; a few, not a large number.

27 Q Three, four, five?

28 A Two, three.

1 Q You don't recall approximately the time when these  
2 calls were made?

3 A No. Arrangements were made for Mr. Shaneyfelt to  
4 drop by the office and pick up some of the exemplars. One of  
5 the calls would have been at that time, and I am sure the date  
6 on the receipt would show when the discussion was held.

7 Q By the way, Mr. Shaneyfelt was not with the  
8 government at that time, was he?

9 A No, he was retired at that time.

10 Yes, exemplars described in my earliest dated  
11 laboratory report, is specimen K9, were returned to Mr. Shaney-  
12 felt on January 24th, so there would have been a conversation  
13 at or about that time to arrange for the picking<sup>up</sup> of the  
14 exemplars. They were delivered to him so he might personally  
15 return them to Las Vegas. I understand there was a time  
16 problem involved in getting the exemplars for use in a hearing  
17 or something.

18 Q Did he have an order or a letter from anyone  
19 indicating he could pick them up?

20 A I<sup>if</sup> Received either a telephone call or a letter; as I  
21 recall, I believe we received a telephone call from Attorney  
22 General List's office, stating arrangements had been made for  
23 Shaneyfelt to pick up those exemplars described as K9 in my  
24 earliest dated report.

25 MR. MENCHETTI: Can I help you?

26 MR. BLUMENFELD: No. It's okay; I don't need any help.  
27 I think I've got the picture.

28 MR. MENCHETTI: I think you're looking for skeletons.

1 MR. LILIENSTERN: I move that be stricken as not being a  
2 question.

3 MR. BLUMENFELD: I'll join in that.

4 MR. FREESE: Let him have a few gratuitous comments too.

5 Q BY MR. BLUMENFELD: Did you personally --

6 A We received -- that is, Mr. Greenhalgh -- received  
7 a letter from -- have a copy here from Davis & Cox, Los Angeles,  
8 California, written at the request of Mr. List. <sup>(read)</sup> I am also  
9 attempting to obtain the release -- skip down further -- as I  
10 have informed Mr. List, our handwriting expert. Lyndal L.  
11 Shaneyfelt, who was formerly with the FBI laboratory until his  
12 retirement in 1975, has personally photographed the original  
13 document and, if it would be of any assistance, I would be happy  
14 for Mr. Shaneyfelt to provide a photocopy -- photographic copy  
15 -- for interim use. <sup>n</sup> I don't recall all the details. This was  
16 about or the time many of the conversations were held with  
17 Mr. Shaneyfelt.

18 Q And were you instructed by Mr. Greenhalgh to give  
19 him the exemplar, that is, Shaneyfelt?

20 A Again, I can't specifically recall who I talked to.  
21 I talked to Mr. Greenhalgh on several occasions; I talked to  
22 one of his assistants on several occasions. I can't recall who  
23 I talked to on each instance.

24 Q As I understand, the document you just read, that  
25 was a letter, or at least a reference to a letter from Davis &  
26 Cox?

27 A To Mr. Greenhalgh.

28 Q To Mr. Greenhalgh?

1 A Yes.

2 Q Concerning Mr. Shaneyfelt's involvement in this  
3 matter?

4 A Yes.

5 Q But you thought there was a telephone call from  
6 Attorney General List?

7 A Or from someone in his office. I can't recall.

8 Q And did you personally turn over the exemplar?  
9 Actually, that wasn't an exemplar, was it?

10 A Yes, it was; it was a two-page proxy, I believe.  
11 It's described as K9 in my earliest dated report.

12 MR. MENCHETTI: Go off the record for a second?

13 MR. BLUMENFELD: Yes.

14 (Discussion off the record.)

15 MR. BLUMENFELD: Back on the record.

16 Q BY MR. BLUMENFELD: It's my understanding, Mr. Lile,  
17 that you did not deliver the exemplar, K9, to Mr. Shaneyfelt  
18 personally?

19 A I did not; that is correct.

20 Q Someone else in your office did?

21 A That's correct.

22 Q Who was that?

23 A Bobby Gillham -- G-i-l-l-h-a-m, I believe that's  
24 the way.

25 Q Was it at your instruction or someone else's that  
26 he delivered the exemplar to Mr. Shaneyfelt?

27 A As I understand, it was through telephone instructions  
28 that either he or I received from Las Vegas, or from Carson City

1 I'm sorry -- Carson City.

2 Q Did you meet with Mr. Shaneyfelt at any time around  
3 this period?

4 A I can't specifically recall whether I did or not.

5 I should clarify a little bit. Mr. Shaneyfelt has  
6 not been retired a great length of time from the FBI laboratory.  
7 As a result, there are still matters he worked on while  
8 employed in the FBI laboratory which are going to trial.  
9 Occasionally it's necessary for him to come into the office to  
10 pick up the work sheets and things he will then use to testify;  
11 even though he is no longer in the employ, he still is bound to  
12 testify on matters he had to work on while an employee. He does  
13 come into the office <sup>occasionally</sup> ~~base~~, wouldn't say frequently, but not  
14 infrequently either. I usually see him once every few months.

15 Q Now, I believe you indicated that you did talk  
16 about this matter -- that is, the will matter -- with  
17 Mr. Shaneyfelt?

18 A In general terms; that is correct.

19 Q Would you tell me what he said to you and what you  
20 said to him in these conversations?

21 A Well, he, although he and I both understood from  
22 the beginning our conversations could not go into great detail  
23 concerning this matter because it was still an open matter --  
24 I had not completed my examination; I had completed portions  
25 of it, however -- the nearest I recall we <sup>never</sup> ~~ever~~ actually  
26 discussed <sup>any</sup> ~~was~~ small details. I, of course, could understand  
27 that he was curious as to what the results of our examination  
28 would be. While I did not give him any details, I do recall

1 using a phrase, something to the effect that, "You and I have  
2 no great disagreement."

3 Q Now, you knew of his conclusion, though, at that  
4 time?

5 A Oh, yes; I knew of his conclusion.

6 Q How did you find out about his conclusion?

7 A Before even I became involved in the matter, I  
8 attended, I believe, a meeting of the <sup>city</sup> Regional Academy of  
9 Forensic Sciences or Middle Eastern Documents Examiners Group,  
10 or something. We periodically meet for lunches, and he was  
11 there, and it being a noted case, he was discussing it with  
12 some other persons, not in great detail, as I say, only in  
13 general terms.

14 Q Was this from the podium?

15 A No, no. It was an informal group, wouldn't even  
16 describe it as a discussion group. It was merely conversation.

17 Q Do you recall who those others were?

18 A No, I don't; but, again, as I say, he was not  
19 discussing it in any detailed terms, merely general terms. He  
20 had worked in the case.

21 Q His conclusion?

22 A And his conclusion; yes, I did overhear his  
23 conclusion.

24 Q Do you recall about when that was?

25 A No, I really don't. As best I can recall, it was  
26 several months before our laboratory received anything.

27 Q I'd like for just a moment to go into what  
28 Mr. Shaneyfelt said. Are you saying all he said was he was

1 working in the case and he concluded it was a forgery? Is that  
2 all he said?

3 A All I can recall clearly was he was speaking in  
4 general terms; that is, he did not get into a discussion of  
5 letter formations or any of this sort of thing. Just in general  
6 terms, he had been retained. He had conducted the examinations.

7 I recall that he spoke of the somewhat inconvenient  
8 circumstances under which he had to do his examinations. I do  
9 recall that he mentioned the documents were sealed in plexiglass  
10 and then his conclusion, and that pretty much is all I can  
11 recall.

12 Q And you received this request in December of '76,  
13 so that would have been October, November, of '76?

14 A Again, I don't know the precise time it would have  
15 been. I would say a few months prior to that December, yes.

16 Q And at that meeting did you talk to Mr. Shaneyfelt?

17 A I'm sure I did.

18 Q Do you recall the substance of your discussion?

19 A I'm sure at that time it would have been merely  
20 social, small talk. He had just retired a few months before.  
21 I don't recall having seen him since his retirement until I  
22 encountered him at the luncheon, so it would have been social,  
23 small talk.

24 Q Do you recall about how long after that meeting you  
25 talked to Shaneyfelt wherein you told him, "I had no great  
26 disagreement with your conclusion"?

27 A Again, it would be very difficult to state exactly,  
28 but it would have been after I had received the major portion of



1 the exemplar writings because this was what held up my  
2 examination, getting the exemplar writings of a time to  
3 cover before, during, and after the purported date of the will.  
4 It would have had to have been more nearly the time of my first  
5 report, which would have been March, late March, of 1977; but,  
6 again, that's an estimate.

7 Q Were there any discussions about this will, other  
8 than that statement that you made, "I have no great disagreement  
9 with your conclusion," at any time?

10 A It had been discussed in generalities. For instance  
11 I recall telling him that he and I had a case in common again.  
12 This had happened before. I recall telling him that I would  
13 not allow myself to have my examination limited to the document  
14 being sealed between the sheets of plexiglass and I insisted  
15 it be removed, and I had obtained that permission. I had  
16 insisted. He envied me having access to the document for as  
17 long as I had it and the facilities that were available, but  
18 they were generalities of that type. They were not truly  
19 specifics.

20 Q Was that, the conversation that you had, was that  
21 on or about the time that document K9 was returned to  
22 Mr. Shaneyfelt?

23 A Well, again, I can't recall. Do you have the date  
24 the document was returned to Mr. Shaneyfelt?

25 Q Yes, January 21, 1977, personally returned to  
26 Mr. Shaneyfelt.

27 A It would probably have been after that date but,  
28 again, I can't specifically recall.

1 Q Okay. Now, looking at Exhibit 4, page 6, which is  
2 your report dated March 11, 1977, I believe -- and correct me  
3 if I'm wrong -- you testified earlier you couldn't tell what  
4 caused the stain on the will; is that correct? March 11, 1977,  
5 Exhibit 4, page 6, which is f.

6 A Yes, that's correct.

7 Q But you did testify you couldn't tell what caused --

8 A More specifically, they were consistent with the  
9 entire wetting. I mentioned the wetting, the inks having bled,  
10 heat having been applied. These could result --

11 MR. FREESE: Excuse me, are you talking about the will or  
12 envelope or both?

13 MR. BLUMENFELD: Will.

14 MR. FREESE: The purported will?

15 THE WITNESS: Yes. The stains were from the inks bleeding  
16 down the page, yes, or actually across the page.

17 Q BY MR. BLUMENFELD: But you indicated earlier you  
18 could not tell what caused the stain?

19 A I couldn't tell what the solvent was that caused  
20 the stains; that is correct.

21 Q Are you certain it was a solvent?

22 A Well, you have to bear in mind, again, speaking of  
23 the terms here. Water is a solvent.

24 Q Yes?

25 A Any liquid would cause the -- not any liquid --  
26 many liquids could cause the inks to run in that fashion,  
27 including water, in the form of <sup>steam</sup> ~~a stain~~.

28 Q Could it be milk?

1 A It could be many things.

2 Q Could it be milk?

3 A I don't know. I don't know myself personally.  
4 don't know what the characteristics of milk are. I'm not a  
5 chemist.

6 Q But you said solvent. Now a solvent has certain  
7 chemical characteristics, doesn't it?

8 A No. As I said before, even water is a solvent.  
9 Almost any liquid is a solvent to other substances; but, as  
10 far as determining what the solvent is, I don't know what it is,  
11 other than it is a liquid.

12 Q Well, what I want to know is: could milk have  
13 caused the staining?

14 MR. LILIENSTERN: He just answered; he said he didn't  
15 know.

16 THE WITNESS: I don't know -- could or could not. I  
17 really don't know.

18 Q BY MR. BLUMENFELD: Well, do you know whether milk  
19 is a solvent?

20 A I'm sure, to some --

21 Q Would it be a solvent to this paper and the ink?

22 A I have no idea.

23 Q So you don't know whether a solvent caused this  
24 running, do you?

25 A I know that some liquid caused the running.

26 Q Now, again, looking at page 6 and Exhibit f, first  
27 paragraph: You indicate that it was determined that the  
28 streaking of the ball point ink writings on those sheets are

1 the result of applying a solvent around the right edges --

2 A That's correct.

3 Q -- resulting in a right-to-left smearing of the  
4 writings?

5 A That is correct.

6 Q When you say a smearing, all you mean is that the  
7 liquid touched?

8 A They came in contact.

9 Q That's all you mean?

10 A That's correct.

11 Q Now, the last sentence of that paragraph indicates  
12 that the solvent application occurred either while the three  
13 sheets were folded together or that the three sheets were folded  
14 while still wet?

15 A That's correct.

16 Q Would that have required it to all be folded at one  
17 time or one sheet at a time, or do you have no opinion on that?

18 A There was a definite transfer pattern from the  
19 positive image to negative image that would be on the other side  
20 of the fold. They could have been assembled in the order in  
21 which they were stacked and folded together.

22 Q Let me ask you this. Could the following have  
23 occurred, hypothetically: After the first page was written,  
24 a liquid is applied to the first page, or touches the first  
25 page; then the second and third page are written and then it's  
26 all folded and all the staining occurs on all three pages. Is  
27 that possible?

28 A If the liquid was still wet on the first page at the

1 time they were put together and folded, then it would be  
2 possible. For instance, if the pages were folded together while  
3 still, say, a small puddle of liquid was on the surface of the  
4 first page, they are folded and stood up on the right edge so  
5 the liquid runs into a puddle and tipped back up the other way.  
6 then the liquid could run down between the various sheets. I  
7 would say, hypothetically, it's possible, yes.

8 Q And it's also, of course, consistent with steaming  
9 of the document?

10 A Yes, that would be consistent with steaming.

11 Q Now, you indicated earlier, Mr. Lile, you made an  
12 initial analysis of the ink in the will?

13 A A preliminary examination, using lighting methods;  
14 that is correct.

15 Q Did you also make the same test on any of the  
16 original exemplars?

17 A No, I did not.

18 Q What was your conclusion with respect to the ink,  
19 other than the fact that it was a ball point pen that wrote it?

20 A That there was no ready evidence that there was  
21 more than one pen used; that is, the ink in each instance  
22 reacted in the same fashion to the lighting.

23 Q All right, also earlier you indicated that you  
24 checked the digits on the Pitney Bowes stamp?

25 A I attempted to read them, that is correct, and was  
26 unsuccessful.

27 Q But you did read some of the numbers?

28 A You could read portions of what appeared to be

1 numerals, not sufficiently to determine what all the numbers  
2 were.

3 Q Could you determine any of the numbers?

4 A Again, I would have to refer to my notes.

5 MR. FREESE: Off the record?

6 MR. BLUMENFELD: Yes.

7 (Recess.)

8 MR. BLUMENFELD: Would you read the question, please?

9 (The record was read by the reporter.)

10 THE WITNESS: Yes, the last three digits appeared to be  
11 either 423 or 425. Beyond that, I couldn't decipher what the  
12 numbers were.

13 Q Well, did you look at the reverse side of the  
14 envelope where the Pitney Bowes stamp is located?

15 A Yes, I did.

16 Q Did you make a determination or attempt to make a  
17 determination as to how it could have gotten in that place?

18 A No, I discussed the matter with Mr. Greenhalgh from  
19 Nevada and suggested that he, utilizing photographs I would  
20 give him, contact them, the Pitney Bowes people, himself and  
21 attempt to make a determination. I did not.

22 Q And you didn't discuss the results with them after  
23 that?

24 A Yes -- he told me they had identified the particular,  
25 not necessarily model, but series of machines, I believe. It  
26 was all second-hand information -- from them to him, and then  
27 from him to me; but from the configuration from the stamped  
28 impression, it would have had to be one of their such and such

1 machines, if it was in fact an impression, but that the  
2 particular machine they identified, ~~and~~ if I can recall, could  
3 not have placed the impression that far down on the envelope  
4 without the envelope having been folded or creased or something;  
5 that is, under normal usage, with the envelope inserted into a  
6 machine, it couldn't stamp into that location.

7 Q Did you do any further analysis with respect to the  
8 Pitney Bowes stamp other than what you indicated?

9 A No, other than photographic methods of trying to  
10 bring up the complete date and the full digits and the meter  
11 number -- they were photographic -- I did examine the crease of  
12 the flap, where it goes through the impression, to see if there  
13 was any unnecessary overlapping or illogical gaps, but, again,  
14 to no avail. And, as best I can recall, that was the limit of  
15 my examination concerning that stamp.

16 Q Now, I believe you have photographs of the outer  
17 envelope?

18 A Yes, I do.

19 Q Would you tell us what tests, if any, you made with  
20 respect to the outer envelope?

21 A My examination of the outer envelope was limited  
22 to an examination of the writings and comparison of these  
23 writings with the writings of the exemplar writings of Melvin  
24 Dummar.

25 Q And what was your conclusion?

26 A It was inconclusive.

27 Q Did you also make a test of the note that was in  
28 the outer envelope?

1 A The writings on the note, yes, in the same fashion.

2 Q Same fashion? Same conclusion?

3 A Same results, could neither identify or eliminate  
4 Melvin Dummar as the writer.

5 Q Can you tell us why you couldn't identify or could  
6 decide it was not Melvin Dummar?

7 A Yes, the writings, when I examined them, I noticed  
8 they were very slowly prepared. <sup>There are</sup> ~~They are~~ <sup>in the</sup> ~~inconsistencies~~ <sup>of</sup> ~~they~~  
9 <sup>are</sup> letter formations. In one instance they are different from  
10 the letter formations, for instance, in one word, to indicate  
11 these are probably not the normal writings of the person who  
12 prepared them; that is, to me, they have the indications of  
13 having been intentionally disguised and, for this reason,  
14 although I did examine them, they just do not contain a  
15 sufficient quantity of normal handwriting characteristics of the  
16 person or persons who wrote them for positive identification.

17 MR. MENCHETTI: On the record, I'd like to ask if the  
18 witness would like to clarify an answer. A few moments ago --  
19 I'm not sure it even needs clarification; I didn't listen -- but  
20 you asked a question, Mr. Blumenfeld, with regard to information  
21 that Mr. Lile had received about the Pitney Bowes stamp. I  
22 believe he responded he had received a telephone call from  
23 Mr. Greenhalgh. If that was in fact his response, I think he  
24 wishes to amend that.

25 Q BY MR. BLUMENFELD: Is that correct?

26 A I did receive a telephone call from him, yes, among  
27 many other telephone calls I received from Mr. Greenhalgh, and  
28 in one of the conversations he mentioned he had gotten the



1 results back from Pitney Bowes and they were as I described them  
2 before. He, thereafter, followed them up by sending a letter  
3 to me at my office, and, attached to it, was a letter he had  
4 received from Pitney Bowes concerning the results of their  
5 examinations of the photographs and <sup>the results</sup> ~~they~~ were, in summary, as ~~they~~ <sup>it</sup>  
6 ~~were~~ <sup>said by</sup> before.

7 I glanced at the letter, saw it was the same type  
8 information -- never read the whole thing. I stuck it in my  
9 file.

10 MR. MENCHETTI: I wanted you to be aware that letter did  
11 exist.

12 Q BY MR. BLUMENFELD: Mr. Lile, are you aware of what  
13 renal failure is, insufficiency kidney failure, kidney  
14 insufficiency?

15 A I'm not real familiar; I've heard the term.

16 Q Would you know whether or not it has any effect on  
17 a person's handwriting if someone has that?

18 A I never heard or learned anything specifically  
19 along those lines. No, I wouldn't --

20 Q Did you give any consideration to the possibility  
21 that the writer of the will was ill?

22 A I had anticipated, prior to receiving the original  
23 document, that some attempt might <sup>have been</sup> ~~be~~ made, if this will were not  
24 genuine, to duplicate the writings of an elderly and infirm  
25 person or that it might be the result, that is, the <sup>reason</sup> ~~result~~ to  
26 examine the original document, might reveal <sup>they were the</sup> ~~other~~ writings of  
27 someone very ill, very infirm, or elderly. I was aware of that.  
28 At the time I received it, I did expect something along those

1 lines one way or the other. The results of my examination,  
2 however, discounted that.

3 Q I'm not sure I understand you. Did you say you  
4 anticipated, prior to receiving the will, that someone could  
5 claim that or it could exist?

6 A No, to backtrack just a little bit. There had been  
7 so much publicity, of course, as to the purported poor state  
8 of health of Mr. Hughes in his later years that I anticipated  
9 that the will, if it were legitimate, might show some places  
10 of someone very ill or someone very elderly, or if not legiti-  
11 mate, might show the traces of someone trying to make it <sup>so it</sup> appear.  
12 I had this in mind at the time. However, in examining, I  
13 found it did not have any of these elderly, tremorous type  
14 formations in the writings I have been led to believe are  
15 present in the writings of persons in poor health or very old.  
16 Instead, it had the poor-line quality, the waverings, rather  
17 than the actual tremor of the hand, all the classical signs of  
18 a simulated or copied forgery.

19 Q You stated just now you did not have the signs that  
20 you were led to believe would be indicated by someone who is  
21 ill or aged; is that what you said?

22 A As a result of my <sup>r yr</sup> readings, and based upon the  
23 cases I have examined involving the writings of elderly persons,  
24 based on my experiences, perhaps is a better term.

25 Q I thought you indicated earlier that there is no  
26 condition that would change the basic characteristics of some-  
27 one's writing?

28 A That's true; the basic characteristics will still

1 be there. They may not be there in their entirety, but a  
2 sufficient quantity can be there. They can be identified as  
3 <sup>deteriorated</sup> a descriptive-type writing.

4 Q So, in your opinion, there is no condition -- ill-  
5 ness or aged or otherwise -- that would change the basic  
6 characteristics?

7 A Not completely, totally, over an extended period  
8 of writing, say, three pages. Perhaps a signature or something  
9 on occasion could, but not three pages of writing.

10 Q Have you ever been aware of a change in someone's  
11 writing when he is writing for a vast audience to see, as  
12 opposed to a personal note?

13 A Very common, sure --

14 Q What kinds of writings --

15 A -- so-called informal and formal. Formal writings  
16 are written for increased legibility, sometimes for a cosmetic  
17 appearing purpose, depending upon the reasons for the writings,  
18 but primarily they are for purposes of legibility or impressing.  
19 They are encountered particularly in handwritten employment  
20 resumes or the like, where the writer is trying to impress  
21 someone. In those instances the writings tend to be prettier,  
22 more attractive, and particularly more legible.

23 Q Slower?

24 A Slower, yes.

25 Q Retouching?

26 A No, not that slow. They are still the <sup>normal</sup> ~~formal~~  
27 writings; the person is just not writing in the same fashion  
28 as if he were sitting in a classroom, taking a class lecture,